






INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2020/0566
Address	53 Bruce Street STANMORE NSW 2048
Proposal	To carry out alterations and additions to an existing building and to use the premises as a boarding house
Date of Lodgement	20 July 2020
Applicant	Shandell Karam
Owner	Mr Vincenzo Coletta Mrs Carmela Coletta
Number of Submissions	Initial: 11
Value of works	\$750,000.00
Reason for determination at Planning Panel	Number of submissions
Main Issues	Nil
Recommendation	Approval with conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development



LOCALITY MAP

Subject Site		Objectors		
Notified Area		Supporters		

Note: Due to scale of map, not all objectors could be shown.

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing building and to use the premises as a boarding house at 53 Bruce Street, Stanmore.

The application was notified to surrounding properties and 13 submissions were received in response to the initial notification. Four of those submissions were received from two property addresses and therefore those submissions have been counted as 1 per address and therefore a total of 11 submissions were received.

The proposal generally complies with the aims, objectives, and design parameters contained in the relevant State Environmental Planning Policies, *Marrickville Local Environmental Plan 2011*, and Marrickville Development Control Plan 2011.

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are considered to be acceptable, given the context of the site and the desired future character of the precinct.

The application is suitable for consent subject to the imposition of appropriate terms and conditions.

2. Proposal

The development seeks alterations and additions to existing building and associated works and the change of use to a boarding house.

Specifically, the following works are proposed:

- Construction of a ground floor garage at the rear of the dwelling
- Construction of a 2 storey addition to the premises
- Internal changes to the layout of the dwelling to accommodate 9 boarding rooms with a total capacity of 12 residents including the provision of a common room

3. Site Description

The subject site is located on the eastern side of Bruce Street, between Douglas Street and Gordon Crescent, Stanmore. The site consists two allotments know as Lot 9 and Lot 10 of Section F DP 2871. The lots are generally rectangular in shape with a total area of 466sqm combined and is legally described as 53 Bruce Street, Stanmore.

The site has a frontage to Bruce Street and rear lane access off Bruce Lane East. An existing single storey dwelling.

The land is zoned R2 Low Density Residential as shown in the figure below.



Figure 1: The Site

4. Background

4(a) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter / Additional Information
20 July 2020	Lodged
30 July – 20 August 2020	Community consultation
30 September 2020	Council wrote to the applicant raising the following concerns: <ul style="list-style-type: none"> • The bulk of the rear pavilion must be reduced; • The east elevation elongated dormer is to be replaced with vertically proportioned dormers; • Significant fabric of the building is encouraged to be retained such as chimney breasts, exiting ceilings, joinery and fireplaces; • The carpark layout plan is to be updated to clearly define the ‘shared area’ for the accessible carspace; • Swept paths are to be submitted; • A long section from the garage to Bruce Lane is to be provided; • Consideration is to be given to the proposed fill, compaction and stormwater as well as the driveway within the SRZ in relation to the impacts to the tree; • Hourly shadow diagrams on June 21 are to be provided; • Building and Access Compliance matters are addressed; • A bulky waste storage area is to be shown on the plan; • The doorway to the bin storage area is to be amended; and • An Acoustic Report is required to be submitted.
13 October 2020	Applicant requested an extension of time (2 weeks) to submit the additional information and that the BCA and Access Report be conditioned. Council granted the extension until 4 November 2020 and was satisfied to condition the documents.
5 November 2020	Applicant provided amended plans which satisfactorily addressed Councils Request for Additional Information.

These amended plans are the subject of this assessment report. The amended plans did not require renotification in accordance with Council's notification policy as they are considered to have similar/lesser impact that already notified.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *Marrickville Local Environmental Plan 2011*

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

5(a)(ii) State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 concerns the protection/removal of vegetation identified under Marrickville Development Control Plan 2011 (MDCP 2011). The proposed development impacts a tree in the rear of the site which is subject to the provisions of this SEPP. The matter of tree management is discussed later in this report under the provisions of Part 2.20 of MDCP 2011.

5(a)(iii) State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (the ARH SEPP) provides guidance for design and assessment of boarding house developments. The ARH SEPP, which commenced operation on 31 July 2009, provides controls relating to various matters including height, FSR, landscaped area, solar access and private open space requirements. The main design parameters are addressed below:

Division 3 – Boarding houses

The site is zoned R2 – Low Density Residential under the zoning provisions of MLEP 2011. A boarding house is permissible within this zone with development consent.

- (i) Standards that cannot be used to refuse consent (Clause 29)

Clause 29 of the ARH SEPP prescribes that a consent authority must not refuse consent to a development application for a boarding house development if the development satisfies the following numerical controls:

(a) Density - Floor Space Ratio (Clause 29(1))

“A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than...the existing maximum floor space ratio for any form of residential accommodation permitted on the land...”

Under MLEP 2011, the maximum FSR permitted for any form of residential accommodation permitted on the land is 0.6:1.

The development has a gross floor area (GFA) of 269.7sqm and the site has a site area of 466sqm which results in an FSR of 0.57:1. As such, the proposal complies with the maximum floor space ratio (FSR) development standard.

(b) Building Height (Clause 29(2)(a))

“If the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land.”

A maximum building height of 9.5 metres applies to the site as indicated on the Height of Buildings Map that accompanies MLEP 2011. The development has a maximum building height of approximately 8.2 metres. As such, the proposal complies with the maximum building height development standard.

(c) Landscaped Area (Clause 29(2)(b))

“If the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.”

The development provides retains the existing front setback as landscaped area. The soft landscaping in the front setback is considered to be consistent with the development along Bruce Street.

(d) Solar Access (Clause 29(2)(c))

“Where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9.00am and 3.00pm in mid-winter.”

The development provides a communal living room on the ground floor level that measures 27.1sqm in area. The common room will receive a minimum of 3 hours direct sunlight between 9.00am and 3.00pm in mid-winter.

(e) Private Open Space (Clause 29(2)(d))

“If at least the following private open space areas are provided (other than the front setback area):

- (i) *one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers...”*

The development provides an area of private open space on the lower ground floor level, measuring 24.1sqm in area and the area exceeds the minimum dimension of 3 metres which satisfies the requirement of Clause 29(2)(d).

(f) Parking (Clause 29(2)(e))

"If:

- (ii) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room..."*

The development provides 3 car parking spaces for the 9 boarding rooms which is a shortfall of 2 car parking spaces. Car parking is discussed in further detail under Part 2.10 of MDCP 2011.

(g) Accommodation Size (Clause 29(2)(f))

"If each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:

- (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or*
(ii) 16 square metres in any other case."

All rooms within the boarding house comply with the minimum accommodation size requirements for rooms to be used by one and two occupants of the ARH SEPP. The applicant provided detailed floor plans that include furniture layouts that indicate that the boarding rooms will afford adequate levels of residential amenity.

(ii) Standards for Boarding Houses (Clause 30)

Clause 30 of the Affordable Rental Housing SEPP prescribes that a consent authority must not consent to a development to which this Division applies unless it is satisfied of each of the following:

- (a) a boarding house has 5 or more boarding rooms, at least one communal living room will be provided.*

The development includes 9 boarding rooms and one communal living room is provided with an area of 27.1sqm which is acceptable in this regard.

- (b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres.*

No boarding room has a gross floor area exceeding 25sqm, excluding the area used for private kitchen and bathroom facilities.

- (c) no boarding room will be occupied by more than 2 adult lodgers.*

No boarding room is proposed to be occupied by more than 2 adult lodgers.

- (d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger.*

A mix of self-contained and shared facility rooms are provided.

- (e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager.*

The boarding house has the capacity to accommodate 12 lodgers; therefore, this provision does not apply.

- (g) *if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use.*

The property is zoned R2 Low Density Residential therefore this provision does not apply.

- (h) *at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.*

The development includes 9 boarding rooms and as such 1 motorcycle parking space and 1 bicycle parking space is required under ARH SEPP. The development provides 6 bicycle parking spaces and 3 motorcycle parking spaces which satisfies the above requirement.

- (iii) Boarding houses in Zone R2 Low Density Residential (Clause 30AA)

Under the provisions of Clause 30AA of the ARH SEPP, a boarding house in an R2 Low Density residential zone cannot exceed 12 boarding rooms. The development provides 9 boarding rooms and therefore complies with this provision.

- (iv) Character of Local Area (Clause 30A)

Under the provisions of Clause 30A of the ARH SEPP, applications for new boarding houses must satisfy a local character test which seeks to ensure developments proposed under the ARH SEPP are consistent with the design of the area.

Clause 30A specifies that a consent authority must not consent to development “*unless it has taken into consideration whether the design of the development is compatible with the character of the local area*”. The ‘Surrounding development’ Planning Principle specified in Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191 at 22-31 has been used to assess the compatibility of the proposal with the character of the local area.

PLANNING PRINCIPLE CRITERIA

- 24 *In order to test whether a proposal is compatible with its context, two questions should be asked.*

- *Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal’s appearance in harmony with the buildings around it and the character of the street?*

- 25 *The physical impacts, such as noise, overlooking, overshadowing and constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it can, however, reduce the degree of subjectivity.*

- 26 *For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases),*

*the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by **building height, setbacks and landscaping**. In special areas, such as conservation areas, **architectural style and materials** are also contributors to character.*

In responding to the first question, it is discussed elsewhere in this report that the development's physical impact on surrounding developments is acceptable. The development retains the existing dwelling and proposes alterations and additions to the dwelling to convert it into a boarding house. The proposal demonstrates compliance with Council's controls with regard to overshadowing, visual privacy and bulk and scale as viewed from adjoining properties in the locality. The development will not have the effect of constraining the development potential of surrounding sites.

In responding to the second question, it is important to consider the essential elements that make up the character of the surrounding urban environment. Regarding zoning, the subject site is zoned R2 Low Density Residential, and the surrounding area generally consists of single and 2 storey dwelling houses.

Amended plans were submitted during the assessment process reducing the overall bulk and scale of the rear addition. The proposal retains the single storey appearance from the streetscape and proposes alterations and additions at the rear whilst retaining original elements of the contributory dwelling to ensure it is sympathetic to the HCA. The development is surrounded by single dwelling houses and the development is provided with an FSR of 0.57:1 which is consistent with what would ordinarily be permitted on the site for a dwelling house. The development provides front and side boundary setbacks that are consistent with the setbacks found on adjoining sites and results in a built form that is consistent and in harmony with the surrounding low density residential development. The architectural style of the building translates the roof forms and materiality found in the area generally, including the use of face brick.

The proposed design is consistent with the building scale of the area and will not have unacceptable impacts to the adjoining properties. Notwithstanding, given the 9.5 metre height control on the subject site, the proposed 2 storey building is considered to be in keeping with what the controls envision for the desired future character of the area.

For the above reasons, it is considered that the design of the development is compatible with the character of the local area and as such satisfies the character test required by Clause 30A of the ARH SEPP.

5(a)(iv) Marrickville Local Environment Plan 2011 (MLEP 2011)

The application was assessed against the following relevant clauses of the *Marrickville Local Environmental Plan 2011*:

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 5.10 - Heritage Conservation
- Clause 6.5 - Development in areas subject to aircraft noise

The following table provides an assessment of the application against the development standards:

Standard	Proposal	non compliance	Complies
Height of Building Maximum permissible: 9.5 m	8.2 m	N.A	Yes
Floor Space Ratio Maximum permissible: 0.6:1	0.57:1	N.A	Yes

(i) Clause 2.3 - Land Use Table and Zone Objectives

The property is zoned R2 Low Density Residential under the provisions of Marrickville Local Environmental Plan 2011 (MLEP 2011). Boarding Houses are permissible under the zoning provisions applying to the land. The development is acceptable having regard to the objectives of the R2 Low Density Residential zone.

(ii) Demolition (Clause 2.7)

Clause 2.7 of MLEP 2011 states that the demolition of a building or work may be carried out only with development consent. Council's standard conditions relating to demolition works are included in the recommendation.

(iii) Height (Clause 4.3)

A maximum building height of 9.5 metres applies to the site under MLEP 2011.

The development has a maximum height of 8.2 metres which complies with the height of buildings development standard.

(iv) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 0.6:1 applies to the land under MLEP 2011.

The development has a gross floor area (GFA) of 269.7sqm which equates to a FSR of 0.57:1 on the site which complies with the FSR development standard.

(v) Heritage Conservation (Clause 5.10)

The subject site is located within the Annandale Farm Heritage Conservation Area (HCA C6). The proposed development protects the conservation area and is considered sympathetic to the HCA. The proposed development is acceptable on heritage grounds and satisfies Clause 5.10 of MLEP 2011. The issue of heritage is discussed in further detail under Part 8 of MDCP 2011 of the report.

(vi) Development in areas subject to aircraft noise (Clause 6.5)

The site is located within the ANEF 25-30 contour, and as such an Acoustic Report was submitted with the application. The proposal is capable of satisfying this clause. A condition has been included in the development consent to ensure that the proposal will meet the relevant requirements of Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015, thereby ensuring the proposal's compliance with the relevant provisions Cl. 6.5 MLEP 2011 and Part 2.6 of the MDCP 2011, respectively.

5(c) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.

The amended provisions contained in the Draft IWLEP 2020 are not particularly relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of the Marrickville Development Control Plan 2011.

MDCP 2011 Part of MDCP 2011	Compliance
Part A.26- Plan of Management (PoM)	Yes – see discussion
Part 2.1 – Urban Design	Yes – see discussion
Part 2.5 – Equity of Access and Mobility	Yes - see discussion
Part 2.6 – Acoustic and Visual Privacy	Yes – see discussion
Part 2.7 – Solar Access and Overshadowing	Yes – see discussion
Part 2.8 – Social Impact	Yes
Part 2.9 – Community Safety	Yes – see discussion
Part 2.10 – Parking	No – see discussion
Part 2.11 – Fencing	Yes – see discussion
Part 2.16 – Energy Efficiency	Yes
Part 2.18 – Landscaping and Open Space	Yes - see discussion
Part 2.20 – Tree Management	Yes – see discussion
Part 2.21 – Site Facilities and Waste Management	Yes – see discussion
Part 2.24 – Contaminated Land	Yes
Part 2.25 – Stormwater Management	Yes
Part 3 – Amalgamation	Yes – see discussion
Part 4.3 – Boarding Houses	Yes – see discussion
Part 8 – Heritage	Yes – see discussion
Part 9.3 – Strategic Context (Stanmore North Planning Precinct)	Yes

The following provides discussion of the relevant issues:

i. Plan of Management (Part A.1.6)

Part A.1.6 of MDCP 2011 requires a Plan of Management (PoM) to be submitted with applications for a boarding house describing how the ongoing operation of the premises would be managed in the most efficient manner so as to reduce any adverse impacts upon the amenity of surrounding properties.

A PoM was submitted with the application which provided details regarding the following matters:

- Objective;
- Duties of Management;
- Operation Details;
- Minimising impact on Residents and Neighbours;
- House Rules;

- Fire safety and Emergency Services contacts and procedures;
- Maintenance of common areas and responsibilities;
- Waste management and collection;
- Security and Access; and
- Complaints.

The PoM sets out general regulations and rules associated with the on-going residency of the boarding house including the rules and regulations in relation to the boarding house residents' conduct to reduce any anti-social behaviour and any potential impacts that may arise.

The PoM submitted with the application is considered acceptable and appropriate conditions are included in the recommendation to ensure compliance with the PoM.

ii. Urban Design (Part 2.1)

The proposed development provides a high quality urban design outcome for the subject site and for the streetscape and meets the twelve urban design principles which are addressed in Part 2.1 of MDCP 2011. The proposal has been designed to retain the existing single storey appearance from the street and proposes a rear addition which is no higher than the existing ridge and is setback from the primary roof form to ensure the bulk and scale of the development is minimised from the streetscape and to the adjoining properties. The proposal has been designed to achieve a high quality urban design for the site and is considered acceptable.

iii. Equity of Access and Mobility (Part 2.5)

Part 2.5 of MDCP 2011 requires consideration to be given to equity of access and mobility before granting development consent. The table below summarises the minimum access requirements with regard to accessible facilities, dwelling and parking requirements as prescribed by Part 2.5.10 of MDCP 2011 and the proposal's compliance with those requirements:

Control	Standard	Required	Proposed	Complies?
Accessible Rooms	1 accessible room for every 5 boarding rooms or part thereof	9 boarding rooms = 2 accessible rooms	1 accessible room	No
Access and Mobility	Access for all persons through the principal entrance and access to any shared laundries, kitchens, sanitary and other common facilities	All areas of the proposed development accessible by persons with a disability	All areas and shared facilities accessible by persons with a disability	Yes
Accessible Car Parking	1 accessible parking space for every 10 boarding rooms	9 boarding rooms = 1 accessible space	1 accessible car parking spaces	Yes

Table 1: Equity of Access and Mobility Compliance Table

The proposed development results in a shortfall of 1 accessible room from that prescribed. The dwelling is identified as a contributory building in a HCA and has retained the majority of the original detailing and room layouts/ original walls maintaining the integrity of the original

building. This has however presented challenges in achieving compliance with Part 2.5 of MDCP 2011 as the additional floor area is limited to 1 lodger room and communal area on the ground floor and 2 first floor lodger rooms.

Having regard to the scope of works and maintenance of the existing built form, the shortfall in the circumstances is considered acceptable.

For the reasons discussed above, the development complies with the requirements of Part 2.5 of MDCP 2011.

iv. Visual and Acoustic Privacy (Part 2.6)

Part 2.6 of MDCP 2011 contains objectives and controls relating to acoustic and visual privacy.

- The windows located on the ground floor located on the northern boundary of the original house are proposed to be retained and two new windows are proposed serving the common area. The windows are setback off the northern boundary approximately 990mm and look over the roof of the adjoining dwelling which is constructed to the boundary thereby posing no privacy impacts.
- The communal outdoor area is serviced by a floor to ceiling privacy screen located on the northern elevation to mitigate privacy loss to the adjoining property. The communal area is orientated towards the rear private open space away from adjoining residential accommodation.
- A window located serving the garage located on the southern elevation is proposed. The window is to be fixed glass and no visual or acoustic concerns are raised regarding this window.
- All the original windows are proposed to be retained on the southern elevation and three new windows are proposed serving an accessible room. All windows are setback off the boundary 900mm and contain privacy louvers to mitigate any potential visual and acoustic privacy loss to the neighbouring property which is unlikely having regard to the adjoining dwelling's proximity to the boundary.
- Three new windows are proposed on the ground floor on the eastern elevation. All three windows overlook the private open space of the subject site and are set back off the side boundaries. Furthermore, windows W06 and W07 contain metal hoods which assist in directing sightlines. Whilst W05 is proposed to be a full floor to ceiling window, it is comprised of fixed glazing and is centrally located to mitigate any potential visual and privacy impacts which is considered acceptable.
- Three dormer style windows are proposed serving the two attic rooms. The dormers all contain rear facing windows which are orientated towards the private open space of the subject site and are set in off the side boundaries. A distance of approximately 10.9 metres is achieved between the windows and the rear setback of the property, thereby mitigating potential visual and privacy impacts.
- In addition to the above, and in response to a submission lodged objecting to the proposal and the proposed rear facing windows, whilst it is noted that the side boundary of 30 Gordon Crescent is located opposite the rear of the subject site, and as there is a lane separating the properties, the proposed rearward facing openings are more than 16 metres away from 30 Gordon Crescent. It is considered by virtue of the level of separation between the openings, that the potential privacy impacts have been adequately mitigated.

As such, it is considered that the development would maintain a high level of acoustic and visual privacy for the surrounding residential properties and the proposal ensures a high level of acoustic and visual privacy for future occupants of the development.

v. Solar Access and Overshadowing (Part 2.7)**Overshadowing**

The applicant submitted hourly shadow diagrams with the application. The shadow diagrams illustrate that the solar access to adjoining properties will not be adversely impacted upon by the carrying out of the development. The extent of the overshadowing caused by the development is summarised as follows:

- 21 June, 9:00am:** Additional overshadowing will occur to a portion of the roof of the adjoining property at 55 Bruce Street.
- 21 June, 12:00pm:** Additional overshadowing will occur to a portion of the roof of the adjoining property at 55 Bruce Street and to a portion of the private open space of 55 Bruce Street and to a portion of the private open space of the subject site.
- 21 June, 3:00pm:** Additional overshadowing will occur to a portion of the roof of the adjoining property at 55 Bruce Street and to a portion of the rear lane.

The proposal retains the required minimum 2 hours of solar access to the principal area of private open space between 9am and 11am at winter solstice to the adjoining dwelling at 55 Bruce Street thereby complying with the requirements of Part 2.7 of MDCP 2011.

Solar Access

Although the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 include provisions relating to solar access requirements for communal living areas in boarding house developments, those provisions do not specify any solar access requirements for the individual rooms within a boarding house. In this regard, control C11 of Part 2.7 of MDCP 2011 requires that:

“C11 At least 65% of habitable rooms within a boarding house, a hostel or a residential care facility must provide a window positioned within 30 degrees east and 20 degrees west of true north and allow for direct sunlight over minimum 50% of the glazed surface for at least two hours between 9.00am and 3.00pm on 21 June.”

The plans and shadow diagrams submitted with the application illustrate that the communal living room has been located to maximise solar access with a north-eastern orientation. The majority of the rooms receive adequate solar access with the exception of south facing rooms 4 and 6 which by virtue of the orientation of the site would receive limited solar access, notwithstanding the proposal is considered acceptable as rooms have been orientated to maximise solar access.

vi. Community Safety (Part 2.9)

Part 2.9 of MDCP 2011 contains the following objectives relating to community safety. The development is considered reasonable having regard to community safety for the following reasons:

- The principal entrance to the development is obvious and secure; and
- The proposal activates the street frontages.

A condition has been included in the recommendation to require lighting details of the pedestrian areas, parking areas and all entrances. The development therefore satisfies Part 2.9 of MDCP 2011.

vii. Parking (Part 2.10)

Car, Bicycle and Motorcycle Parking Spaces

The site is located in Parking Area 2 under Part 2.10 of MDCP 2011. MDCP 2011 prescribes car, bicycle and motorcycle parking rates. However, the ARH SEPP also contains car parking, bicycle and motor cycle spaces parking rates for boarding house developments which prevail over the parking rates prescribed in MDCP 2011 and this is discussed in Section 5(a)(i) of this report.

Notwithstanding, the following table summarises the car, bicycle and motorcycle parking requirements for the development:

Component	Control	Required	Proposed	Complies?
Car Parking				
Resident Car Parking	0.5 per boarding room for residents	9 rooms = 4.5 spaces		
	Total required:	5 spaces	3 spaces	No
Bicycle Parking				
Resident Bicycle Parking	1 per 2 boarding rooms for residents	9 rooms = 4.5		
Visitor Bicycle Parking	1 per 10 boarding rooms for visitors	9 rooms = 1 space		
	Total required:	5.5 spaces	6 spaces	Yes
Motorcycle Parking				
Motorcycle Parking	5% of the total car parking requirement	1.2 car parking spaces required = 1 space		
	Total required:	1 space	1 space	Yes

Table 2: Assessment of proposal against Part 2.10 of MDCP 2011

The development provides a total of 3 car parking spaces which is a shortfall of two spaces. The development meets the required motorcycle and bicycle parking requirements.

The shortfall of parking has been reviewed by Council’s Development Engineer who is supportive of the parking provided for the development. The shortfall of 2 car parking spaces is considered acceptable for the following reasons:

- The property cannot support any more off street car parking without demolishing significant components of the dwelling;
- The shortfall of two car parking spaces is unlikely to have any significant detrimental impact on the availability of public parking in the area; and
- The area is an accessible area and is located in close proximity to public transport.

Appropriate conditions have been included in the recommendation to ensure the proposed car parking dimensions and layouts comply with the requirements contained within Part 2.10 of MDCP 2011 and to ensure sufficient motorcycle and bicycle parking is provided on site.

viii. Fencing (Part 2.11)

No changes are proposed to the existing front fence however new 1.8 metre high colorbond fences are proposed along the side boundaries which are considered acceptable. An associated new colourbond sliding gate with a height of 1.8 metres is proposed to replace the existing fence along the rear boundary fence to allow access to the rear of the site. The proposed fences are considered acceptable in relation to Part 2.11 of MDCP 2011.

ix. Landscaping and Open Spaces (Part 2.18)**2.18.11.4 Boarding Houses***Landscaped area*

Control C17 prescribes the following for boarding houses:

“C17 Landscaped area (Residential zones)

- i. The entire front setback must be of a pervious landscape with the exception of driveways and pathways.*
- ii. The greater of 4 metres or a prevailing rear setback must be kept as pervious landscaped area.*
- iii. In addition to the front setback, a minimum of 45% of the site area is to be landscaped area at ground level.*
- iv. A minimum of 50% open space must be pervious landscape.”*

The development is acceptable having regard for the above in that:

- The entire front setback is pervious with the exception of the entry pathway;
- A reinforced grass driveway is proposed with an area of 77.6sqm which is approximately whilst the communal area comprises 24.1sqm which results in an overall quantum of open space of 101.7sqm which represents 22% of the site area. Whilst 45% of the site area is required to be landscaped for a boarding house at ground level at the rear of the site, the non-compliance is considered acceptable having regard for the need to provide parking for the site. Notwithstanding, the applicant has managed to retain a considerable level of permeability for the site and retain a significant tree which is considered acceptable. The quantum of permeable area in the rear yard is not dissimilar to adjoining development and would be contextually consistent; and
- The common open space is appropriately landscaped.

A landscape plan was submitted with the application which is considered acceptable.

C18 of Part 2.18.11.4 prescribes common open space controls for boarding houses. The development is acceptable having regard to C18 in that:

- The communal open space located on the lower ground floor level has an area of approximately 24.1sqm, with a minimum dimension of 3 metres and provides space for relaxation, outdoor dining and entertainment.
- The communal open space has been designed so that it can accommodate outdoor furniture such as chairs, tables and shade structures.
- A smaller communal open space is also located on the ground floor and connected to, the communal living area.

x. Tree Management (Part 2.20)

The proposal as originally lodged impacts the Tree Protection Zone of Tree 3 (*Cinnamomum burmannii* - *Indonesian Cinnamon*) located in the rear yard of the subject site. Council's Tree Management Officer advised that more consideration needs to be given to the compaction required for the area of the driveway that will be elevated to meet the garage level. A long section from the garage to Bruce Lane was also requested to show the existing ground level at several points and the proposed 'permeable' driveway levels to confirm any fill or excavation required.

The applicant subsequently submitted additional information which was reviewed by Council's Tree Management Officer. The documents provided further investigation into the proposed grass reinforcement product for use in the Tree Protection Zone of Tree 3 along with the requested driveway long section. The additional information satisfactorily addresses the original concerns raised and Council's Tree Management Officer has indicated the proposal is supportable subject to the imposition of conditions which are included in the recommendation of this report.

A submission from the adjoining neighbour raises concerns regarding the subject tree and the desire for its removal due to overshadowing created by the tree, its encroachment into their property and branch droppings. Notwithstanding this submission, the applicant has requested to retain the tree which Council considers an acceptable outcome in ensuring the maintenance of adequate canopy cover. Council cannot request tree removal noting the tree is in a reasonable condition. Notwithstanding, the retention of this tree does not prevent the adjoining property owner from pruning subject to relevant Council approval.

xi. Site Facilities and Waste Management (Part 2.21)

2.21.2.1 Recycling and Waste Management Plan

A Recycling and Waste Management Plan (RWMP) in accordance with Council's requirements was submitted with the application and is considered to be adequate.

2.21.2.5 Residential Waste

The development includes 9 boarding rooms and therefore is required to provide 2 x 240L general waste bins, 2 x 240L recycling bins and 2 x 240L green waste bins.

The bin storage area proposed is 11sqm in size and is considered large enough to provide 6x240L bins and bulky waste storage space. The bin storage area is considered to be a sufficient area for the waste bins provided to accommodate the recycling and general waste requirements prescribed under Part 2.21 of MDCP 2011.

Part 4.3 – Boarding Houses

4.3.3.1 Character and amenity of the local area

As discussed in Section 5(a)(ii) of this report under the provisions of Clause 30A of the ARH SEPP, applications for new boarding houses must satisfy a local character test which seeks to ensure developments proposed under the SEPP are consistent with the built forms and desired future character of the area.

Amended plans were submitted during the assessment process reducing the bulk and scale of the rear addition. The proposal retains the majority of the dwelling and proposes a rear addition. The development is surrounded by single dwelling houses and the development is provided with an FSR of 0.57:1 which is consistent with what would ordinarily be permitted

on the site for a dwelling house. The development provides front and side boundary setbacks that are consistent with the setbacks found on adjoining sites and results in a built form that is consistent and in harmony with the surrounding low density residential development.

The proposal is considered a sympathetic addition to the dwelling and the rear addition is no higher than the existing ridge and is set back significantly from the front setback. The addition is considered a sympathetic addition to the streetscape and to the HCA.

The development is compatible with the desired future character of the Stanmore North Planning Precinct and the local area generally and ensures there are no undue impacts on the amenity of the local area.

4.3.3.5 Boarding Rooms

Room type and facility	Minimum Requirement	Complies?
C9 Minimum area 1 person room	12sqm GFA*	Yes
C10 Minimum area 2 person room	16sqm GFA*	Yes
C11 Maximum room size	25sqm GFA*	Yes
C12 Calculation of room size	*The areas referred to in Controls C9 – C11 exclude kitchenettes (excluding circulation space), bathrooms and corridors.	Yes
C13 Minimum room ceiling height	2,700mm	Yes
C14 Occupation of share rooms – per room	Maximum of two adults	Yes
C15 Fit out room only	Rooms must be able to accommodate: <ul style="list-style-type: none"> • Bed/s for the potential number of occupants, Enclosed and open storage for clothes, linen and personal items, • At least one easy chair and a desk with chair, • Plus safe and convenient circulation space. 	Yes
C16 Area of self-contained facilities	<ul style="list-style-type: none"> • Maximum of 5sqm for a kitchenette; • A kitchenette is not to be located along the wall of a corridor; and • Minimum 3sqm and maximum 4sqm for ensuite bathroom. 	Yes
C17 Energy efficiency & internal climate	<ul style="list-style-type: none"> • All habitable rooms are to have access to natural ventilation through an external window; • Natural light is to be available from an external window or light well 	Yes Yes

As indicated above, the development generally complies with the provisions of 4.3 of MDCP 2011.

4.3.3.6 Communal rooms and facilities

Control 19 of Part 4.3 of MDCP 2011 requires that a boarding house with five or more boarding rooms is to have at least one communal living room with a minimum area of 12sqm whilst C21 requires the communal living room to accommodate at least 50% of residents at capacity (as a guide 2sqm per resident).

The proposed development accommodates 9 boarding rooms and 12 lodgers, and 1 communal living area is provided with a total area of 26sqm. Based on providing 2sqm per lodger, the communal living room has a capacity to accommodate the lodgers in accordance with the prescribed requirements.

The development provides also 6.6sqm of common open space directly accessible off the communal living area and larger communal outdoor area of 24.1sqm is provided directly below.

xiii) Heritage (Part 8)

The property is located within the Annandale Farm Heritage Conservation Area (C6).

The application was referred to Council's Heritage Advisor who requested the following amendments be made to the proposal to ensure a more sympathetic addition to the dwelling:

- The bulk of the rear pavilion must be reduced to the minimum required by BCA compliance for internal heights – ideally the maximum height of the rear pavilion should not be higher than the main dwelling.
- The east elevation elongated dormer is to be replaced with vertically proportioned dormers and skylights to reduce the bulk of the rear pavilion.
- The ground floor plan needs to show consideration and retention of historic fabric – mantelpieces should be reinstated to Room 2 and 4, possibly reusing existing mantelpieces of removed fireplaces in Room 1 and 3. Timber skirtings, decorated ceilings, the decorative arch of the hall visible in Figure 20 should be retained and shown on the plans.

Amended plans were submitted which satisfactorily address the above, however a condition has been imposed to ensure the proposed three dormers on the east (rear) elevation are proportioned to ensure they are sympathetic to the addition, the metal hoods to windows to the south elevation are to be deleted as they are not appropriate to the dwelling and amendments to be made to the roofing materials. It is noted Council's Heritage Advisor recommended the deletion of the hood and associated louvres to the east elevation window however to ensure sightlines to the rear yard of 55 Bruce Street are mitigated (in addition to the existing tree screening), the conditions in the recommendation seek only to delete the hoods on the southern elevation.

Subject to compliance with the above, the proposed development complies with Part 8.2.8 of MDCP 2011 for the following reasons:

- The proposal retains the single storey appearance from the streetscape;
- The development retains the existing setbacks;
- The proposal retains the existing roof form;
- A majority of internal fabric is to be retained;
- The detailing and finishes proposed to the rear addition is appropriate to the typology and period of construction; and
- The front fence is proposed to be retained which is appropriate to the typology and period of construction.

5(e) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

5(f) The suitability of the site for the development

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(g) Any submissions

The application was notified in accordance with Council’s Community Participation for a period of 14 days to surrounding properties. 13 submissions were received in response to the initial notification. Four of those submissions were received from two property addresses and therefore those submissions have been counted as 1 per address and therefore a total of 11 submissions were received.

The following issues raised in submissions have been discussed in this report:

- Compliance with the Affordable Rental Housing SEPP – see section 5(a)(iii)
- Character and style of the proposed development - see section 5(d)
- ANEF treatment– see section 5(a)(iv)
- Parking - – see section 5(d)
- Solar Access and Overshadowing - see section 5(d)
- Heritage Conservation - see section 5(a)(iv) and 5(d)
- Height of the proposed development - see section 5(a)(iv)
- Tree Matters - see section 5(d)
- Streetscape - see section 5(d)

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

Submission	Comment
New generation boarding houses and the new Housing Diversity SEPP will eliminate this type of development	The Affordable Rental Housing SEPP is applicable to the subject development and the proposal generally complies with the relevant provision applicable to the site as mandated by the SEPP. The draft amendments to the boarding house provisions do not prevent Council from approving the subject development.
Noise from the air conditioning units	Concern was raised regarding the noise emitted from the air conditioning units proposed. An advisory note is included in the recommendation regarding the provision of mechanical plant and the requirement to ensure any plant does not affect the amenity of neighbours through the transmission of vibration and sound.
Number of boarding houses in close proximity to the subject site	Council acknowledges there are a number of boarding houses in the vicinity of the subject site however boarding houses are a permitted use within the R2 Low Density Residential zone and there are no provisions in Council’s controls that prevent residential uses from

	being located close to one another.
Socio-economic mix of boarding houses	Public health associated with the use of a boarding house is not a matter of planning consideration as part of the assessment of the application. Similarly the perception of anti-social behaviour associated with boarding houses is not substantiated. Notwithstanding, the maximum number of lodgers is 12 lodgers which complies with the provisions of the Affordable Rental Housing SEPP
Council to install metered parking in Stanmore	Concerns regarding the provision of timed/metered parking as a result of existing parking constraints should be directed to Council's Traffic Services Section. Metered parking is not a matter of consideration as part of the assessment of the application. The implication that the proposed development would result in such an impact on parking that it would warrant metered parking is without evidence.
Carpark at the rear of the site to generate additional noise	It is considered the residential use of the premises and the associated 3 car parking spaces are unlikely to create adverse amenity impacts as suggested.
Changing character of the area	The proposed development meets the desired character of the area and meets the controls of Part 9.3 – Strategic Context (Stanmore North Planning Precinct).
Noise, dust, and damage to adjoining properties during construction	Standard conditions are included in the recommendation to reasonably mitigate impacts associated with construction, however it should be acknowledged that it is anticipated that noise would be anticipated during the short phase of construction, however this can only occur during approved work hours. Additionally, a condition is included in the recommendation requiring the provision of a dilapidation report to be prepared prior to any works occurring.
Traffic impacts	Concerns were raised that the increased density would result in additional traffic generation that the street would not be able to accommodate. A Traffic Impact Assessment was submitted with the application, which adequately demonstrates that the proposal will not result in any significant adverse impacts to traffic on Bruce Street.
Rubbish Impacts	Concern was raised that the boarding house will bring associated rubbish. There is no evidence to suggest that the proposed development will result in an increase in rubbish.
Retention of chimney	A submission received raised concern that the chimney should be retained. The fireplaces within the original dwelling are proposed to be retained and restored. The chimney is proposed to be removed due to the new extension. Given the significant internal fabric being retained the removal of the chimney is considered acceptable.
Insurance Premiums increasing as	This is not a matter for consideration as part of the

a result of residing near a boarding house	assessment of the application.
Community Safety	There is no evidence to suggest that a boarding house will create safety concerns to the community.

5(h) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not considered to be contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Heritage Officer
- Urban Forest Officer
- Building Surveyor
- Health Officer
- Development Engineer
- Resouce and Recovery Officer

7. Section 7.11 Contributions

Section 7.11 contributions are payable for the proposal. The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$40,000 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Marrickville Local Environmental Plan 2011* and Marrickville Development Control Plan 2011.

The development will not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. That the Inner West Local Planning Panel, as the consent authority pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No. 2020/0566 carry out alterations and additions to an existing building and to use the premises as a boarding house, subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
A1.02, D	Existing Ground Floor Plan	26 October 2020	The Site Foreman
A1.03, H	Low Ground Floor Plan	26 October 2020	The Site Foreman
A1.04, G	Ground Floor Plan	26 October 2020	The Site Foreman
A1.05, G	Attic Floor Plan	26 October 2020	The Site Foreman
A1.06, F	Roof Plan	26 October 2020	The Site Foreman
A2.01, F	West and South Elevations	26 October 2020	The Site Foreman
A2.02, G	East and North Elevations	26 October 2020	The Site Foreman
A3.01, E	Sections	25 June 2020	The Site Foreman
A3.02, A	Sections	26 October 2020	The Site Foreman
A4.01, D	Window Schedule	26 October 2020	The Site Foreman
A4.02, B	External Materials and Finishes	26 October 2020	The Site Foreman
D4048	Arboricultural Impact Assessment Report	April 2020	Allied Tree Consultancy
33807084, V.1	Plan of Management	22 July 2020	The Site Foreman
A373744	BASIX Certificate	30 June 2020	The Site Foreman
L/01, A	Proposed Landscape Plan	27 April 2020	Discount Landscape Plans
L/02, A	Landscape Details	27 April 2020	Discount Landscape Plans
L/03, A	Landscape Specification	27 April 2020	Discount Landscape Plans
34370985, V.1	Traffic Impact Assessment Report for Boarding House	26 November 2020	Park Transit

nss23304	Aircraft Assessment	Noise	November 2020	Noise and Sound Services
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As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

Prior to the issue of a Construction Certificate, the Principal Certifying Authority must be provided with plans showing:

- a) The Proposed three dormers to the east (rear) elevation are to be:
 - i. Vertically proportioned (between a height to width ratio of 1.6:1 and 2:1);
 - ii. Positioned at 300mm below the ridge, measured vertically;
 - iii. Formed with painted timber pilasters, approximately 25% of the width of the window with a base and a lintel over;
 - iv. Formed of windows that are double hung, with painted timber frame;
 - v. Formed of side walls (cheeks) that are weather boards; and
 - vi. Formed of a triangular pediment but without side eaves or gutter
- b) Metal hoods to windows to the south elevation are to be removed from the plans;
- c) new roofing material must comprise of either heritage barrel rolled traditional corrugated galvanised steel or pre-coloured traditional corrugated steel similar to Custom Orb.
- d) The wheelchair parking on the plans is to be amended to reflect the wheel chair parking on the swept path diagrams in the Traffic Report submitted.

FEES

3. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$5400.00
Inspection Fee:	\$236.70

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage,

remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

4. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate written evidence must be provided to the Certifying Authority that a monetary contribution of \$20,000 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014] ("CP") has been paid to the Council. The above contribution is the contribution applicable as at 11 February 2020.

***NB** Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Public Amenities Type:	Contribution \$
Recreation Facilities	35,109.10
Community Facilities	4,482.01
Traffic Facilities	-375.43
*Road access dedication (*only applies Planning Precincts identified in the Contributions Plan, delete if not relevant)	0.00
Plan Administration	784.31
TOTAL	40,000.00

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment methods:

The required contribution must be paid either *by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000).* It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a

minimum of 2 business days for the invoice to be issued before payment can be accepted.

*NB A 0.75% credit card transaction fee applies to all credit card transactions.

5. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

GENERAL CONDITIONS

6. Noise – Consultant’s Recommendations

The recommendations contained in the acoustic report prepared by Noise and Sound Services, reference nss23304 - Final dated 16 November 2020 must be implemented.

7. Noise - Use of Common Areas

The outdoor common area is not permitted to be used between the hours of 10.00pm and 7.00am seven (7) days per week.

8. Tree Protection

No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council’s Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

Any public tree within five (5) metres of the development must be protected in accordance with Council’s *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council’s Tree Management Controls at any time.

The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned) :

Tree No.	Botanical/Common Name	Location
2	<i>Podocarpus elatus</i> (Plum Pine)	Street tree - Bruce Street
3	<i>Cinnamomum burmannii</i> (Indonesian Cinnamon)	Rear

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- a. Green for trees to be retained;
- b. Red for trees to be removed;
- c. Blue for trees to be pruned; and
- d. Yellow for trees to be transplanted.

NOTE: Reference should be made to the *Arboricultural Impact Assessment Report prepared by Allied Tree Consultancy (ref D4048) dated April 2020 for tree numbering and locations.*

9. Project Arborist

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

10. Car Parking

The development must provide and maintain within the site:

- a. 2 car parking spaces must be paved and line marked;
- b. 1 car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces;
- c. 3 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times; and
- d. 6 Bicycle storage capacity within the site.

11. Boarding House

The development must provide and maintain:

- a. A minimum of one accessible boarding rooms; and
- b. All rooms within the boarding house must be connected to a centralised electricity, water and gas (if installed) service.

12. Waste Management Plan

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

13. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

14. Verification of Levels and Location

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

15. Works Outside the Property Boundary

This development consent does not authorise works outside the property boundaries on adjoining lands.

16. Lighting Details

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with:

a) Lighting details of the pedestrian areas, parking areas and all entrances.

PRIOR TO ANY DEMOLITION**17. Resource Recovery and Waste Management Plan - Demolition and Construction**

Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.

18. Hoardings

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

19. Advising Neighbors Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

20. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

PRIOR TO CONSTRUCTION CERTIFICATE**21. Bin Storage Area - Residential**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in the Marrickville DCP 2011 and must include doorways/entrance points of 1200mm.

22. Dilapidation Report – Pre-Development – Minor

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

23. Stormwater Drainage System – Minor Developments (OSD is required)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention (OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system via the OSD tanks as necessary;
- b. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- c. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- d. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- e. The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council controlled storm water system limited to pre-development conditions with the maximum allowable discharge to Council's street gutter limited to 25 litres/second (20 years ARI/100years ARI);
- f. OSD may be reduced or replaced by onsite retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;
- g. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD tanks;
- h. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- i. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- j. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage

system. Where necessary an inter-allotment drainage system must be incorporated into the design;

- k. No nuisance or concentration of flows to other properties;
- l. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- m. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- n. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- o. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm;
- p. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings; and
- q. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;

24. Parking Facilities - Domestic

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities must comply with Australian Standard AS/NZS2890.1:2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

- a. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1:2004;
- b. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- c. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements;
- d. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the site in forward direction complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces; and
- e. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1:2004.

25. Paving/Decking Within the Vicinity of Trees

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with detailed plans and specifications demonstrating that the reinforced grass ground surface product within the specified radius of the trunk of the following tree will be installed/constructed in a way so as to ensure that existing moisture infiltration and gaseous exchange are maintained or improved and that woody tree roots with a diameter greater than 30mm in

diameter will not be damaged or severed. The plans, details and specifications must be certified in writing as appropriate by a qualified (minimum AQF Level 5) Arborist.

When preparing an area for the reinforced grass surface the soil surface must not be excavated. The new surface and subgrade must be established at grade or as approved by the Project Arborist

Tree No.	Botanical/Common Name	Radius in Metres
3	<i>Cinnamomum burmannii</i> (Indonesian Cinnamon)	8 m

26. Structural Certificate for retained elements of the building

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

27. Sydney Water – Tap In

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water’s online ‘Tap In’ program to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92

28. Aircraft and Rail Noise

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard and the Infrastructure SEPP AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction and State Environmental Planning Policy (infrastructure) 2007.

29. Fibre-ready Facilities

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:

- a. The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- b. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.

30. Consolidation of Lots

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that the separate lots comprising the development have been consolidated into one lot and under one title and registered at NSW Land Registry Services.

DURING DEMOLITION AND CONSTRUCTION

31. Documentation of Demolition and Construction Waste

All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

32. Tree Protection Zone

To protect the following tree, no work must commence until the tree protection is installed the specified radius from the trunks to prevent any activities, storage or the disposal of materials within the fenced area in accordance with the Tree Protection Plan (Appendix B) in the Arboricultural Impact Assessment report prepared by Allied Tree Consultancy (Ref D4048) dated April 2020. The tree protection (including existing boundary fencing) must be maintained intact until the completion of all demolition/building work on site.

Tree No.	Botanical/Common Name	Radius in metres
3	<i>Cinnamomum burmannii</i> (Indonesian Cinnamon)	8 m

33. Inspections by Project Arborist

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

Tree No./ Botanical/ Common Name/ Location	Time of Inspection	Key stage/ Hold point
Trees 1 and 2 - Street trees, Bruce Street Tree 3 - <i>Cinnamomum burmannii</i> (Indonesian Cinnamon)		<ul style="list-style-type: none"> In accordance with the approved Tree Protection Plan and specifications referred to in Appendix B and Section 7.3 of the Arboricultural Impact Assessment report prepared by Allied Tree Consultancy dated April 2020.

Recommendations to ensure the trees long term survival must be carried out immediately upon receipt of the report.

34. Canopy and Root Pruning

Canopy pruning of the following tree which is necessary to accommodate vehicular access for cars must be undertaken by, or directly supervised by, the Project Arborist.

Tree No.	Botanical/Common Name
3	<i>Cinnamomum burmannii</i> (Indonesian Cinnamon)

The person acting on this consent has approval under Council's Tree Management Controls to achieve a 2.6 metre clearance of the ground surface as is required for a car to enter/exit the site.

35. Limited Root Pruning

No tree roots of 30mm or greater in diameter located within the specified radius of the trunks of the following tree can be severed or injured in the process of any works during the construction period:

Tree No.	Botanical/Common Name	Radius in metres
3	<i>Cinnamomum burmannii</i> (Indonesian Cinnamon)	8 m

All excavation for services (stormwater etc) and fence posts within the specified radius of the trunks of the following tree being hand dug (or Hydrovac/Airspade) under direct supervision of the Project Arborist. If tree roots less than 30mm in diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and *fit for purpose tool*. The pruning must be undertaken by a practicing Arborist.

36. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

37. Survey Prior to Footings

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

PRIOR TO OCCUPATION CERTIFICATE**38. No Encroachments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

39. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone kerb has been replaced.

40. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD system commissioned in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

41. Operation and Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention. The Plan must set out the following at a minimum:

- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

42. Parking Signoff – Minor Developments

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

43. Easements, Restrictions on the Use of Land and Positive Covenants

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that Easements, Restrictions on the Use of Land and Positive Covenants under Section 88B or 88E, whichever is relevant to the subject development, of the *Conveyancing Act 1919*, has been created on the title of the property detailing the following :

- a. Restrictions on the Use of Land related to on Site Stormwater Detention System; and
- b. Positive Covenant related to on-site stormwater detention and/or retention system;

The wording in the Instrument must be in accordance with Councils Standard wording.

44. Noise From Road, Rail & Aircraft – Compliance

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant, confirming that the development complies with the requirements of the:

- a. *State Environmental Planning Policy (Infrastructure) 2007*;
- b. NSW Planning, Development near Rail Corridors and Busy Roads – Interim Guideline;
- c. Australian Standard 2021-2000: Acoustics - Aircraft noise intrusion - Building siting and construction;

- d. conditions of development consent; and
- e. Recommendations of report prepared by Noise and Sound Services, reference nss23304 - Final dated 16 November 2020

45. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan and the role of the project arborist have been complied with.

46. Smoke Alarms - Certification of upgrade to NCC requirements

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

ON-GOING**47. Bin Storage and bulky household waste storage**

All bins are to be stored within the site. Bins are to be returned to the property within 12 hours of having been emptied. Bulky household waste is to remain on the property until the night before collection.

48. Operation and Management Plan

The Operation and Management Plan for the on-site detention, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

49. Vehicles Leaving the Site

All vehicles must enter and exit the site in a forward direction.

50. Noise General

The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

51. Boarding House – Plan of Management - Operation

The operation of the premises complying at all times with the approved Plan of Management. The Plan of Management is not to be further amended without the prior written approval of the Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

52. Commercial Waste/Recycling Collection

The collection of waste and recycling must only occur between 7:00am and 8:00pm weekdays and 9:00am and 5:00pm weekends and public holidays, to avoid noise disruption on the surrounding area,

Garbage and recycling must not be placed on the street for collection more than one (1) hour before the scheduled collection time. Garbage bins and containers are to be removed from the street within one (1) hour after collection.

53. Boarding House

The use of the premises as a boarding house must comply at all times with the following:

- a. The use must comply at all times with the Plan of Management referred to in condition 1 above and as amended by the conditions in this Determination;
- b. A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
- c. A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times;
- d. The Plan of Management must not be amended without the prior consent of Council and must be made available to Council officers and the Police upon request;
- e. All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
- f. The premises must be used exclusively as a boarding house containing a maximum total of 9 lodger's rooms with not more than 12 adult lodgers residing in the premises at any one time;
- g. Not more than 2 lodgers must occupy boarding rooms 4, 7 and 8, whilst all other rooms must contain no more than 1 lodger;
- h. The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
- i. All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers; and
- j. Each self-contained room and shared kitchen must be fitted out with washing up facilities, a cooktop, oven, fridge and storage space with such utilities being maintained in working order at all times.

ADVISORY NOTES**Recycling / Garbage / Organics Service Information and Education**

The building manager / strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.

Permits

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip Bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Easement and Covenant Process

The following documents must be submitted to Council as part of the Easement and Covenant process and requirements, for the site on-site detention/on-site retention/reuse facilities (OSD/OSR):

a. **Work-As-Executed Plans**

A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin with finished surface levels, contours at 0.2-metre intervals and volume of storage available. Also, the outlet pipe from the detention basin to its connection to the Council's drainage system must be shown together with the following information: location; pipe diameter; gradient; pipe material, i.e. PVC or RCP etc.; pits sizes; orifice size; trash screen at orifice; emergency overflow dimensions and RL; all buildings (including floor levels) and finished ground and pavement surface levels.

b. **Engineer's Certificate**

A qualified practising Civil Engineer must certify on the completion of drainage works in respect of:

- c. The soundness of the storage structure;
- d. The capacity of the detention storage;
- e. The emergency overflow system being in place;
- f. The works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
- g. The freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code; and
- h. OSR pumps (if any) have been installed and commissioned.

c. **Restriction-As-To-User**

A "Restriction-as-to-User" must be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure that works, which could affect the function of the stormwater detention system, must not be carried out without the prior consent in writing of the Council.

Such restrictions must not be released, varied or modified without the consent of the Council.

A typical document is available from Council's Development Assessment Engineer.

- d. A Maintenance Schedule.

Health Premises Registration – Generic

The premises are required to be registered with Council's Environment Health Team in accordance with the following relevant legislation:

- a. Boarding House / Shared Accommodation - *Boarding Houses Act 2012* and the *Local Government (General) Regulation 2005*.

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Tree Protection Works

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and AS4970—*Protection of trees on development sites*.

Tree Pruning or Removal (including root pruning/mapping)

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with Council's *Development Fact Sheet—Arborist Reports*.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

Notification of commencement of works

At least 7 days before any demolition work commences:

- a. the Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and
- b. a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

Toilet Facilities

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and

- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

Facilities must be located so that they will not cause a nuisance.

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

Other Approvals may be needed

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

Failure to comply with conditions

Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

Other works

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Obtaining Relevant Certification

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent; or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder; and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Dividing Fences Act

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

Permits from Council under Other Acts

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Fire Safety Certificate

The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a. Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b. Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Boarding House – Registration with Fair Trading

Boarding houses with two or more residents who have additional needs or five or more residents who do not have additional needs are required to register with the Department of Fair Trading.

Construction of Vehicular Crossing

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for *Construction of a Vehicular Crossing & Civil Works* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au

	Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - Environmental Solutions	SITA 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

Dial before you dig

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m2 of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

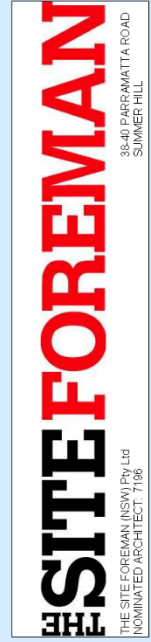
Attachment B – Plans of proposed development

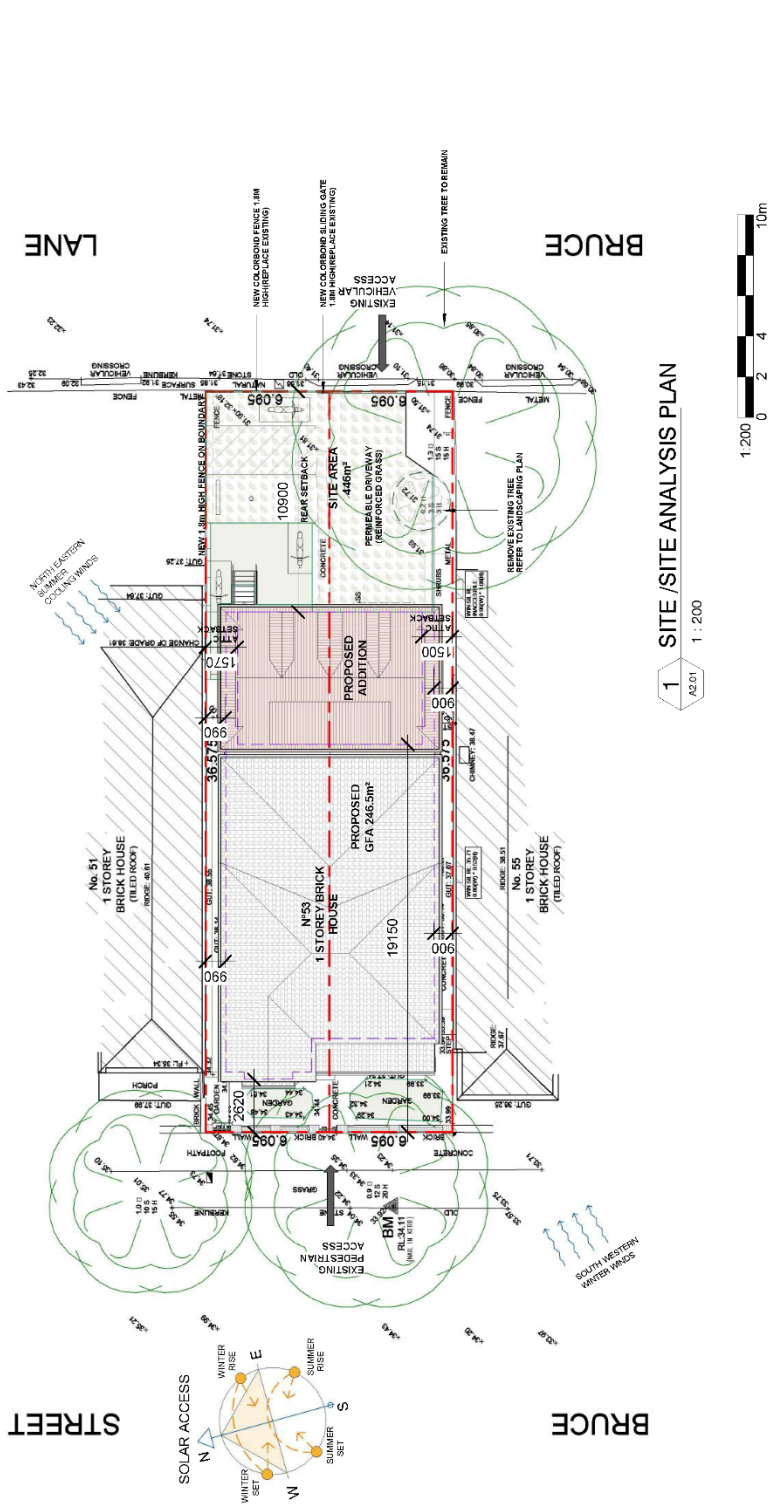
**BOARDING HOUSE
53 BRUCE STREET STANMORE NSW**

Project Number: 2797
 Date: 26/10/2020
 Client: S. & V. COLETTA

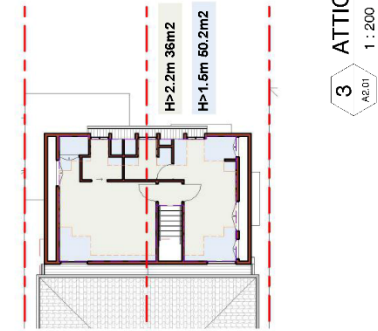
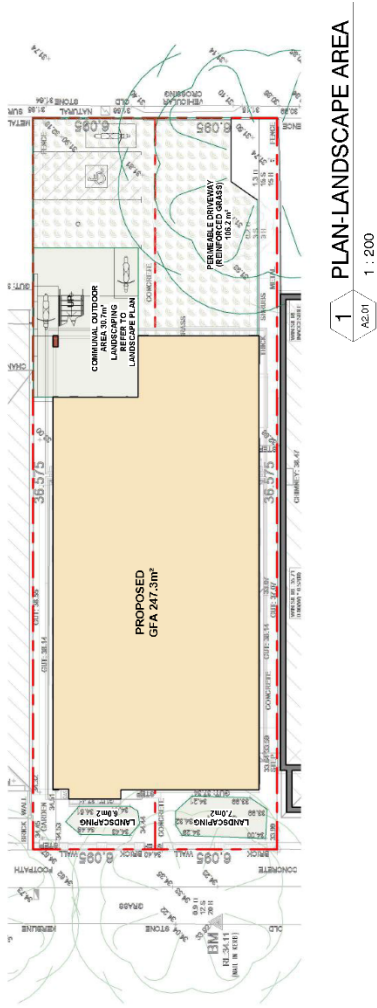
DA ISSUE

SHEET N°	SHEET NAME
A0.01	COVER SHEET
A1.00	SITE PLAN, SITE ANALYSIS PLAN
A1.01	SITE CALCULATION PLAN
A1.02	EXISTING GROUND FLOOR PLAN
A1.03	LOW GROUND FLOOR PLAN
A1.04	GROUND FLOOR PLAN
A1.05	ATTIC FLOOR PLAN
A1.06	ROOF PLAN
A2.01	WEST AND SOUTH ELEVATIONS
A2.02	EAST AND NORTH ELEVATIONS
A3.01	SECTIONS
A3.02	SECTIONS
A4.01	WINDOW SCHEDULE
A4.02	EXTERNAL MATERIALS AND FINISHES
A5.01	SHADOW DIAGRAM 21.06-9AM
A5.02	SHADOW DIAGRAM 21.06-10AM
A5.03	SHADOW DIAGRAM 21.06-11AM
A5.04	SHADOW DIAGRAM 21.06-12NOON
A5.05	SHADOW DIAGRAM 21.06-1PM
A5.06	SHADOW DIAGRAM 21.06-2PM
A5.07	SHADOW DIAGRAM 21.06-3PM
A6.01	3D IMAGE
A6.02	BASIX NOTES





THE SITE FOREMAN t: 1300 728 006 f: 1300 728 440 w: THESITEFOREMAN.COM.AU a: 38-40 PARRAMATTA ROAD SUMMER HILL 2130 NSW	DRAWING TITLE	SITE PLAN, SITE ANALYSIS PLAN	DRAWN/DESIGNED BY	AC
	PROJECT	BOARDING HOUSE	CHECKED BY	AC
DATE 27/02/20 27/02/20 12/05/20 01/08/2020 26/10/2020	ADDRESS 53 BRUCE STREET STANMORE NSW	SCALE 1 : 200@A3 2797	DRAWING NO A1.00 REV: F	
ISSUE A CONCEPT FOR REVIEW B FINAL DESIGN ISSUE C CONCEPT FOR REVIEW D FINAL DESIGN ISSUE E DA ISSUE F REVISED DA ISSUE	DO NOT SCALE FROM THESE DIMENSIONS. CONCEPT REVIEW TO BE APPROVED BY THE LOCAL COUNCIL. THIS DRAWING IS TO BE USED IN ACCORDANCE WITH THE 'TYPICAL ISSUE' ONLY. RESPONSIBILITY WILL BE ACCEPTED FOR THE PROPOSED WORK. THIS SET OF DRAWINGS DOES NOT INCLUDE ALL POSSIBLE CONTRIBUTOR DETAILS AND THE BUILDER IS REQUIRED TO COMPLETE THE DESIGN WHERE THE INFORMATION IS NOT PROVIDED.			
ABN 26160232824 Non-qualified Architect: Alexander Choukram ABN: 7236				

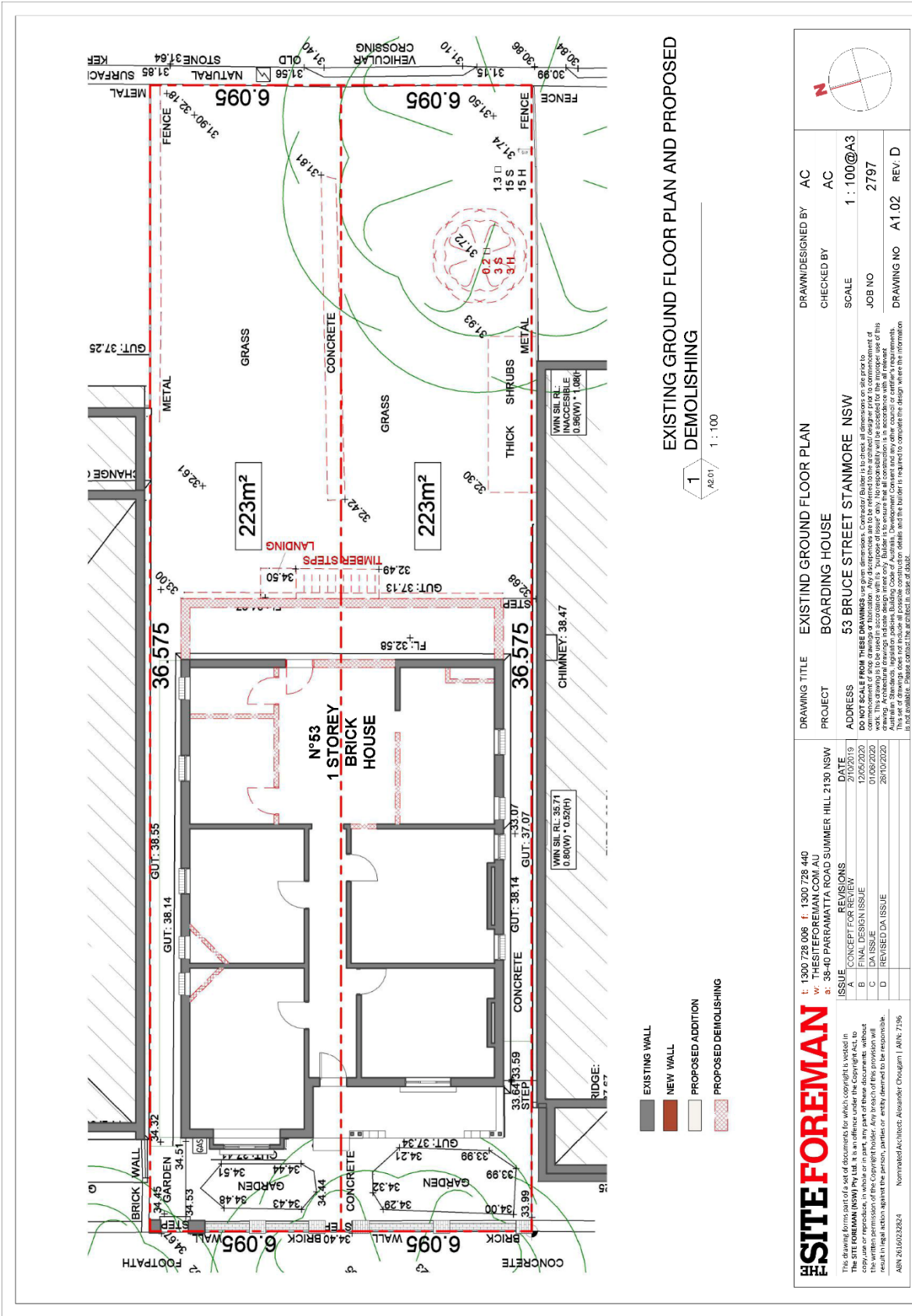


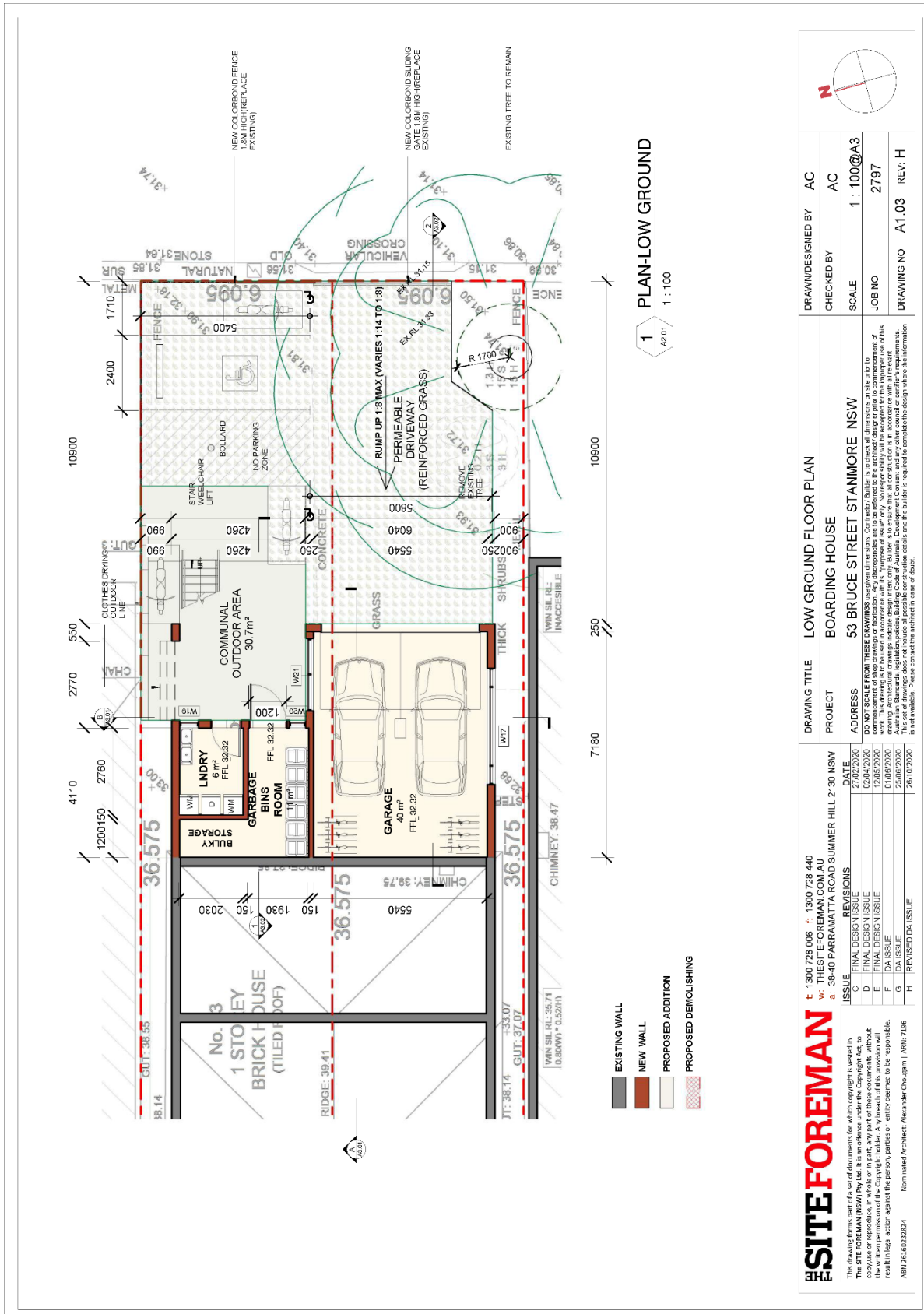
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 ABN: 26162232624 Nominated Architect: Alexander Choungui | A/N: 7196

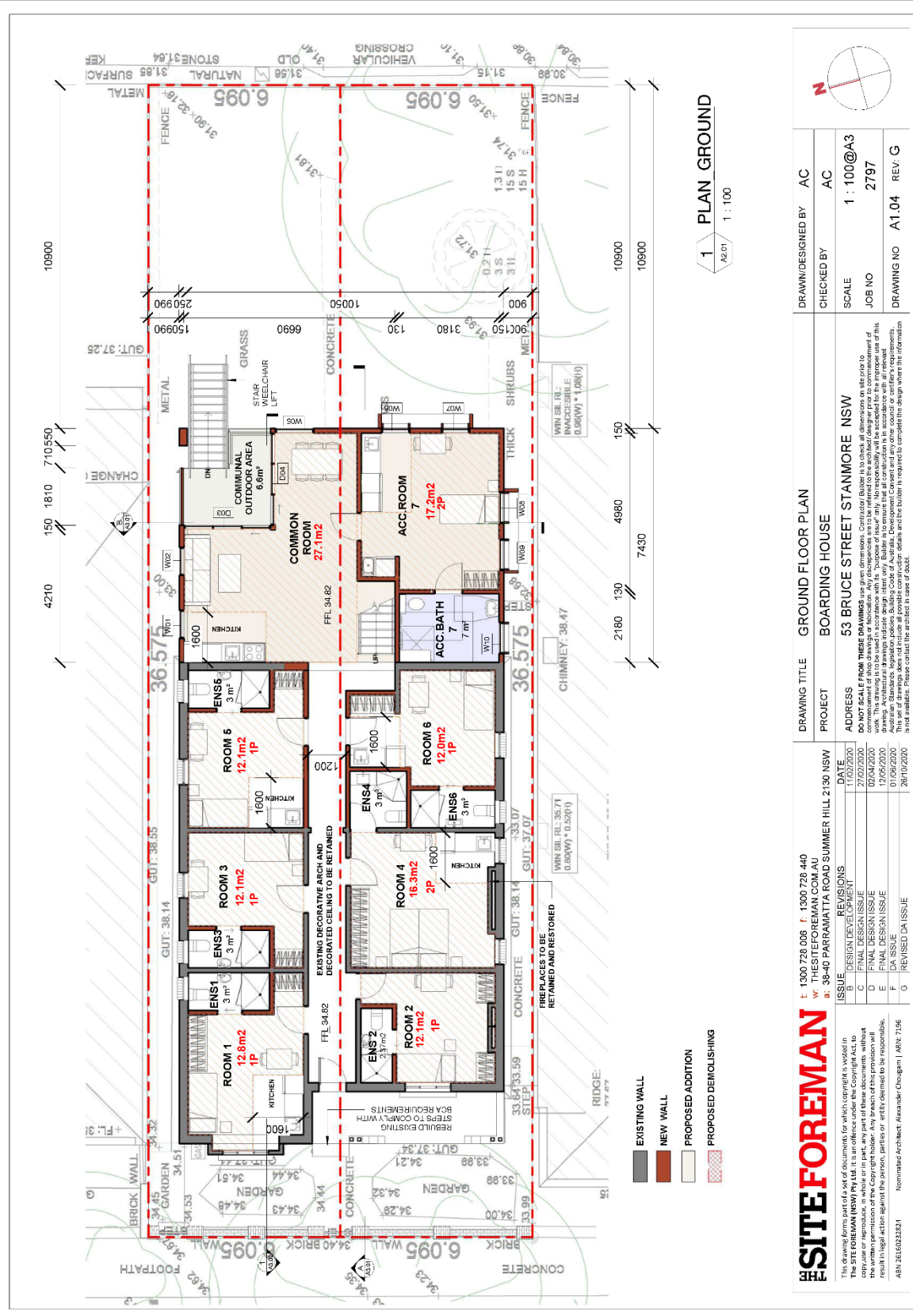
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DRAWING TITLE SITE CALCULATION PLAN
PROJECT BOARDING HOUSE
ADDRESS 53 BRUCE STREET STANMORE NSW
DATE 11/02/2020
REVISIONS
 A DESIGN DEVELOPMENT
 B FINAL DESIGN ISSUE
 C FINAL DESIGN ISSUE
 D DA ISSUE
 E DA ISSUE
 F REVISED DA ISSUE
DATE
 27/02/2020
 02/02/2020
 01/02/2020
 26/10/2020

DRAWN/DESIGNED BY AC
CHECKED BY AC
SCALE 1:200@A3
JOB NO 2797
DRAWING NO A1.01 REV: F







1 PLAN GROUND
1 : 100

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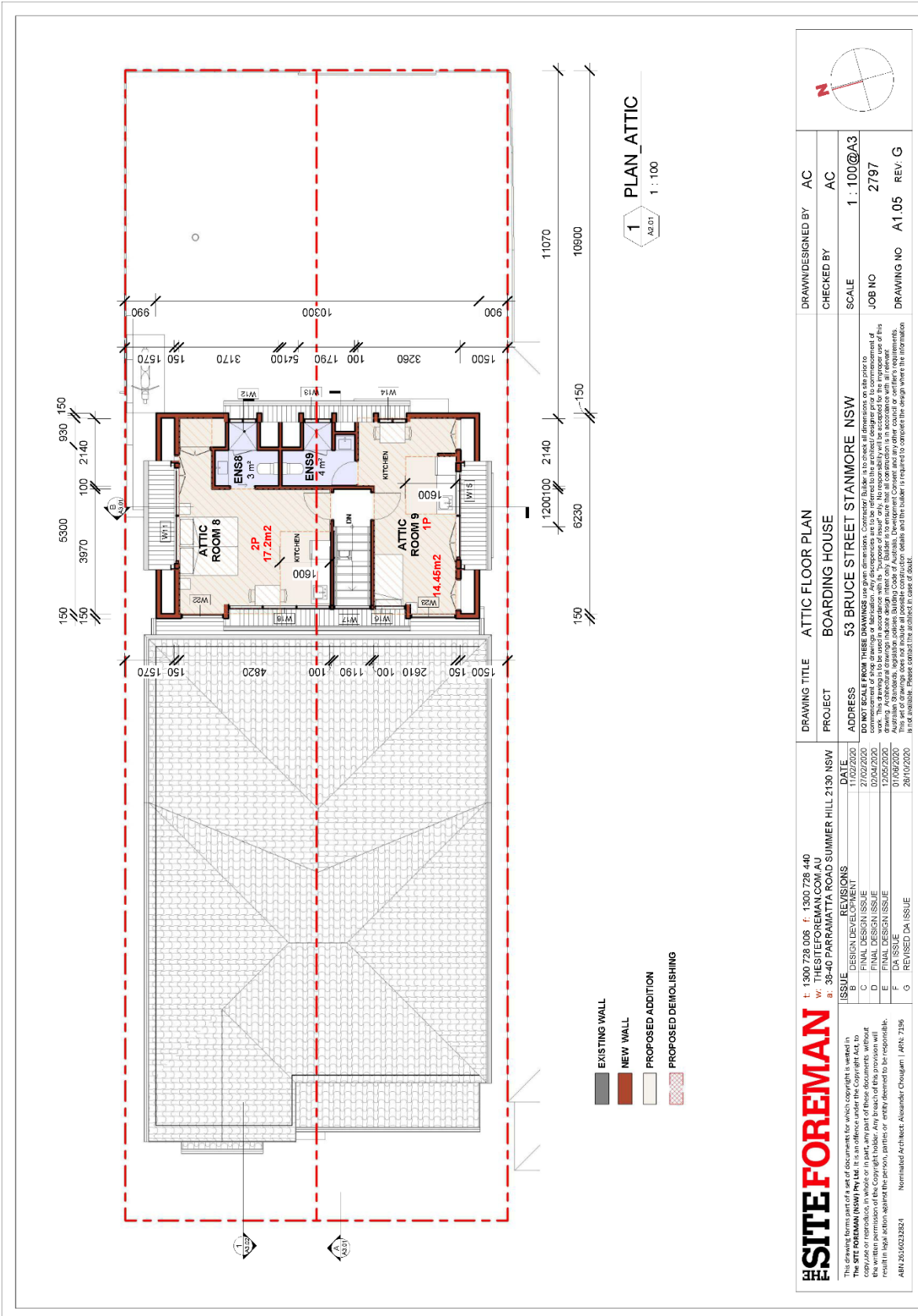
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 Nominated Architect: Alexander Chaglam | ARN: 7196

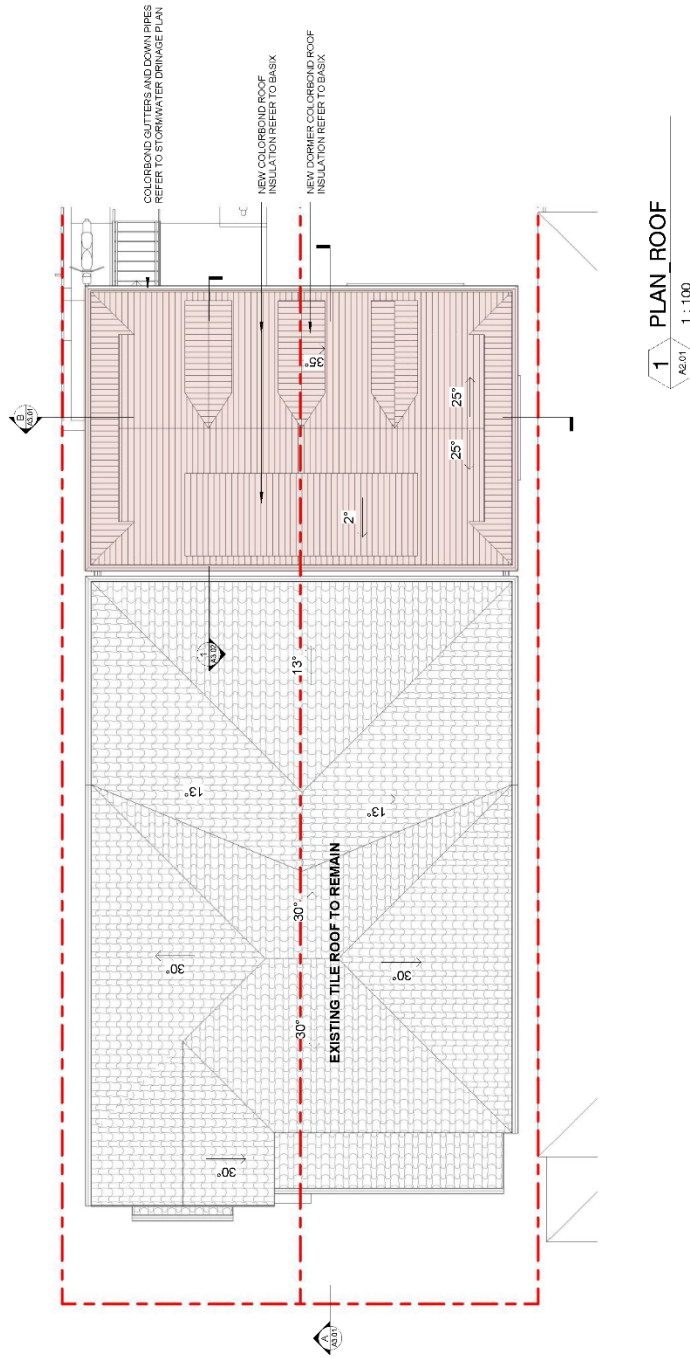
ISSUE	DESIGN DESCRIPTION	DATE
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B	FINAL DESIGN ISSUE	02/04/2020
C	FINAL DESIGN ISSUE	12/05/2020
D	FINAL DESIGN ISSUE	01/09/2020
E	FINAL DESIGN ISSUE	26/10/2020
F	DA ISSUE	
G	REVISED DA ISSUE	

Revisions:
 A: FIRE PLACES TO BE RETAINED AND RESTORED
 B: WIN SIL. RL: 35.71 (0.80(W) * 0.520(I))
 C: WIN SIL. RL: 38.14 (0.80(W) * 0.520(I))
 D: WIN SIL. RL: 35.71 (0.80(W) * 0.520(I))
 E: WIN SIL. RL: 38.14 (0.80(W) * 0.520(I))
 F: WIN SIL. RL: 35.71 (0.80(W) * 0.520(I))
 G: WIN SIL. RL: 38.14 (0.80(W) * 0.520(I))

DRAWING TITLE: GROUND FLOOR PLAN
 PROJECT: BOARDING HOUSE
 ADDRESS: 53 BRUCE STREET STANMORE NSW
 SCALE: 1 : 100 @ A3
 JOB NO: 2797
 DRAWING NO: A1.04 REV: G

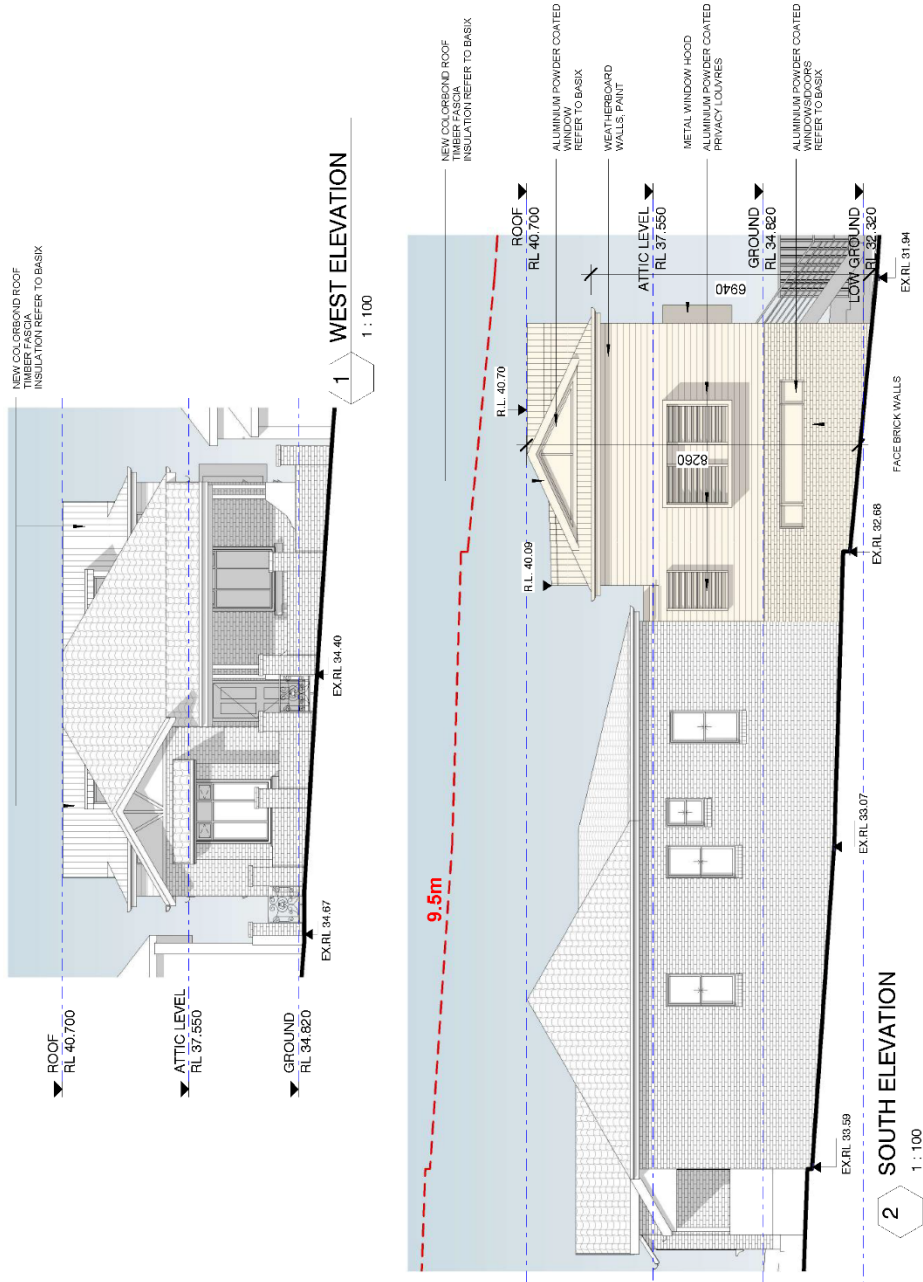
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1 PLAN ROOF
A&01 1:100

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	<p>DRAWING NO: A1.06</p> <p>REV: F</p>	<p>DRAWING NO: A1.06</p> <p>REV: F</p>	<p>DRAWING NO: A1.06</p> <p>REV: F</p>	<p>DRAWING NO: A1.06</p> <p>REV: F</p>	<p>DRAWING NO: A1.06</p> <p>REV: F</p>

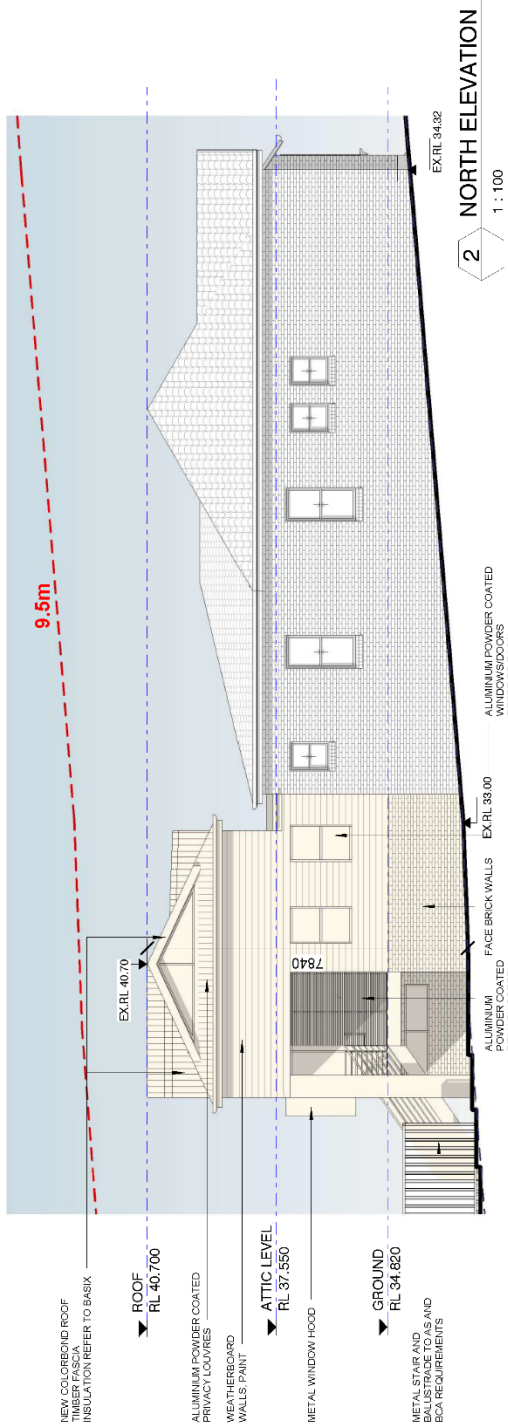
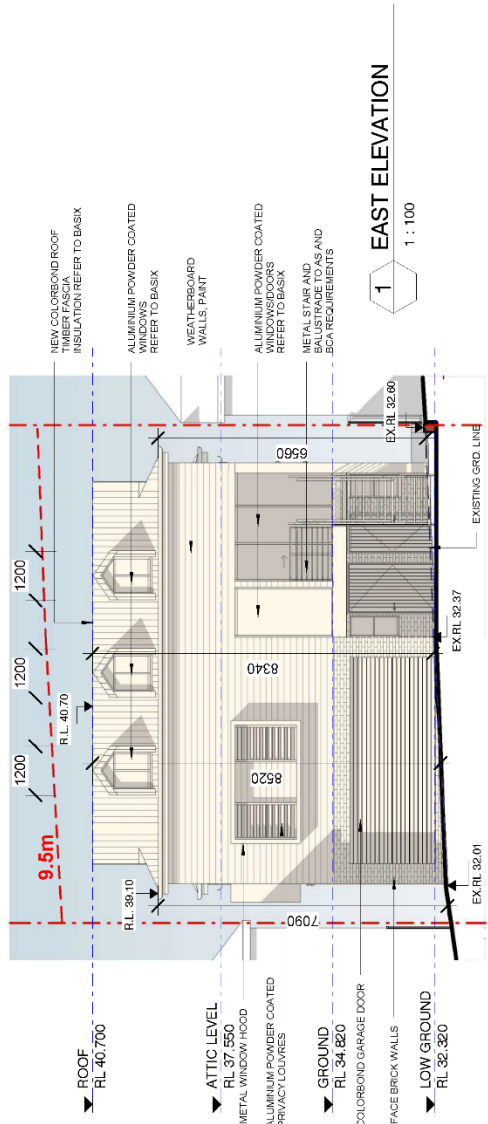


DRAWING TITLE		WEST AND SOUTH ELEVATIONS		DRAWN/DESIGNED BY		AC	
PROJECT		BOARDING HOUSE		CHECKED BY		AC	
ADDRESS		53 BRUCE STREET STANMORE NSW		SCALE		1 : 100@A3	
DATE		11/02/2020		JOB NO		2797	
ISSUE		REVISIONS		DRAWING NO		A2.01	
A	DESIGN DEVELOPMENT			REV		F	
B	FINAL DESIGN ISSUE						
C	FINAL DESIGN ISSUE						
D	FINAL DESIGN ISSUE						
E	DA ISSUE						
F	REVISED DA ISSUE						

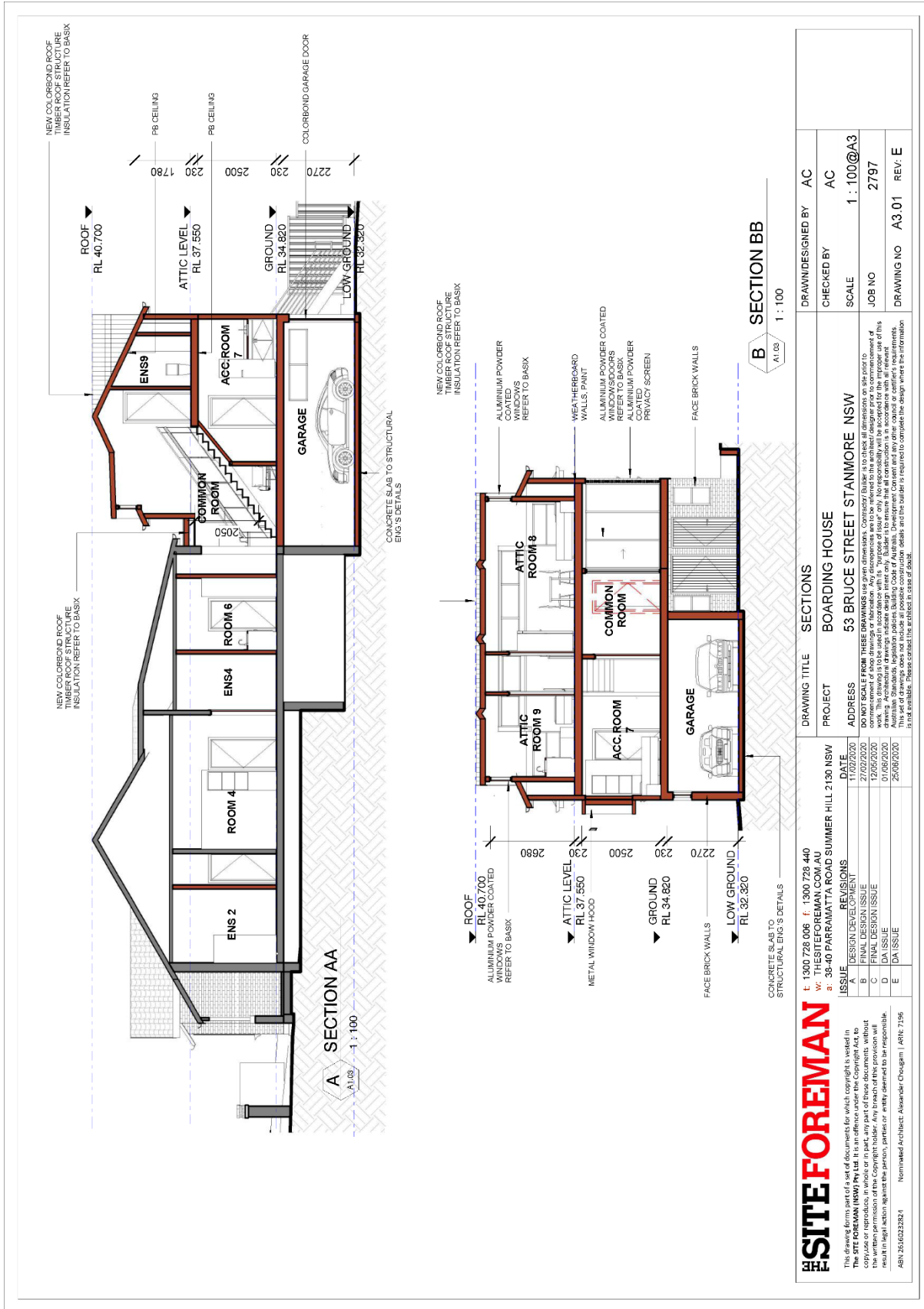
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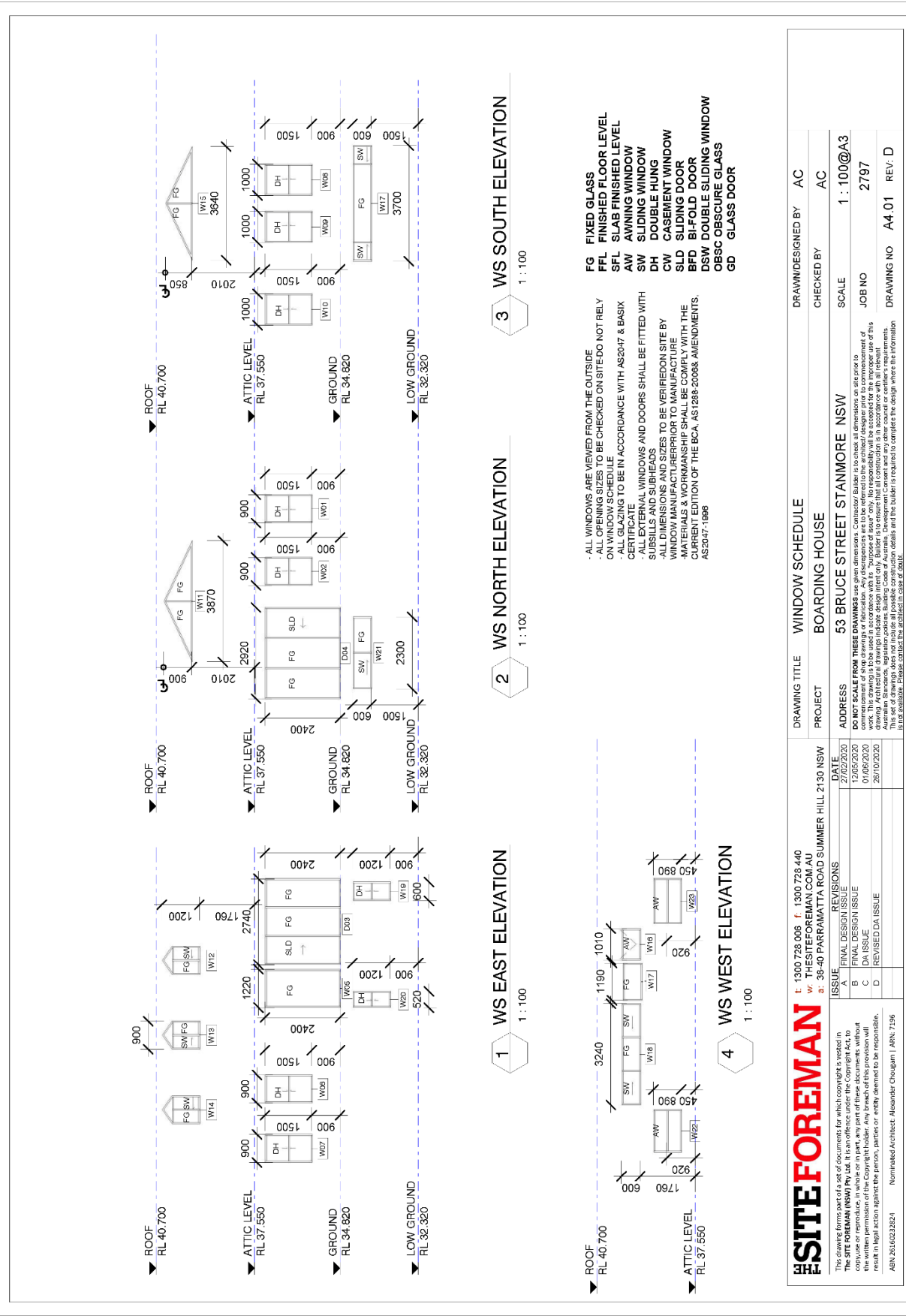
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 Nominated Architect: Alexander Chougam | A/N: 7136



<p>THE SITE FOREMAN 1300 738 008 1300 738 410 THE SITE FOREMAN.COM.AU 38-40 PARRAMATTA ROAD SUMMER HILL 2130 NSW</p>		<p>DRAWING TITLE EAST AND NORTH ELEVATIONS</p>		<p>PROJECT BOARDING HOUSE</p>		<p>DRAWN/DESIGNED BY AC</p>	
<p>ISSUE</p>		<p>DATE</p>		<p>CHECKED BY AC</p>		<p>SCALE 1:100@A3</p>	
<p>FINAL DESIGN ISSUE</p>		<p>27/02/2020</p>		<p>JOB NO 2797</p>		<p>DRAWING NO A2.02</p>	
<p>FINAL DESIGN ISSUE</p>		<p>02/04/2020</p>		<p>REV. G</p>		<p>REV. G</p>	
<p>DA ISSUE</p>		<p>12/05/2020</p>		<p>DO NOT SCALE FROM THESE DRAWINGS as given dimensions. Contractor/Builder is to check all dimensions on site prior to commencement of any drawings or fabrication. Any discrepancies are to be referred to the architect/designer prior to commencement of this drawing. Architectural drawings indicate design intent only. Builder is to ensure that all construction is in accordance with all relevant Australian Standards, legislative provisions, Building Code of Australia, Development Consent and any other council or certifier's requirements. Materials are to be subject to approval to complete the design, which are the responsibility of the contractor. Please contact the architect in case of doubt.</p>			
<p>DA ISSUE</p>		<p>01/06/2020</p>					
<p>REVISED DA ISSUE</p>		<p>25/09/2020</p>					
<p>REVISED DA ISSUE</p>		<p>26/10/2020</p>					









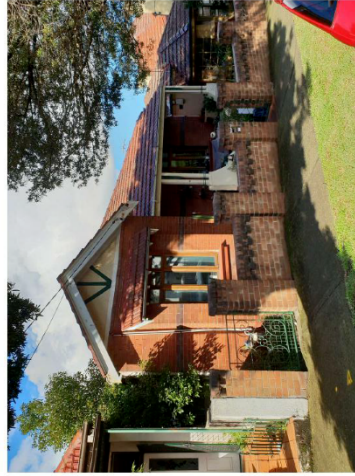
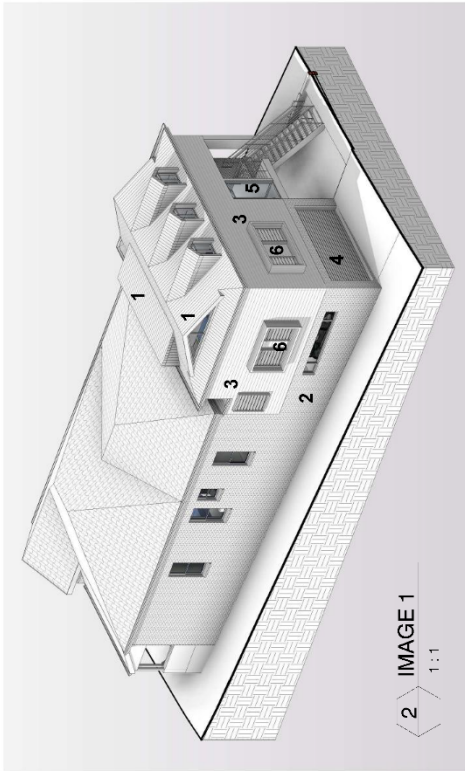
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DATE: 27/02/2020 12/05/2020 01/09/2020 28/10/2020	REVISIONS: A FINAL DESIGN ISSUE B FINAL DESIGN ISSUE C DA ISSUE D REVISED DA ISSUE	SCALE: 1 : 100@A3 JOB NO: 2797 DRAWING NO: A4 01 REV: D	
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SCHEDULE OF EXTERNAL MATERIALS AND FINISHES

N°	BUILDING ELEMENT	FINISH	COLOUR	SAMPLE
1	METAL ROOF AND GUTTERS	COLORBOND	HEADLAND	
2	BRICK WALL	BORAL FACE BRICK	OLD COLONIAL RED	
3	L1, ATTIC WALLS	WEATHERBOARD CLAD, PAINT FINISH	DULUX HERITAGE RANGE COLREGENCY WHITE	 Width: 405 mm
4	GARAGE DOOR	DECOWOOD METAL POWDERCOATED	DECOWOOD CASUARINA	
5	WINDOW/DOOR FRAMES	ALUMINIUM POWDERCOATED	DULUX JASPER	
6	WINDOW HOODS, PRIVACY LOUVRES AND SCREENS	ALUMINIUM POWDERCOATED	DECOWOOD CASUARINA	



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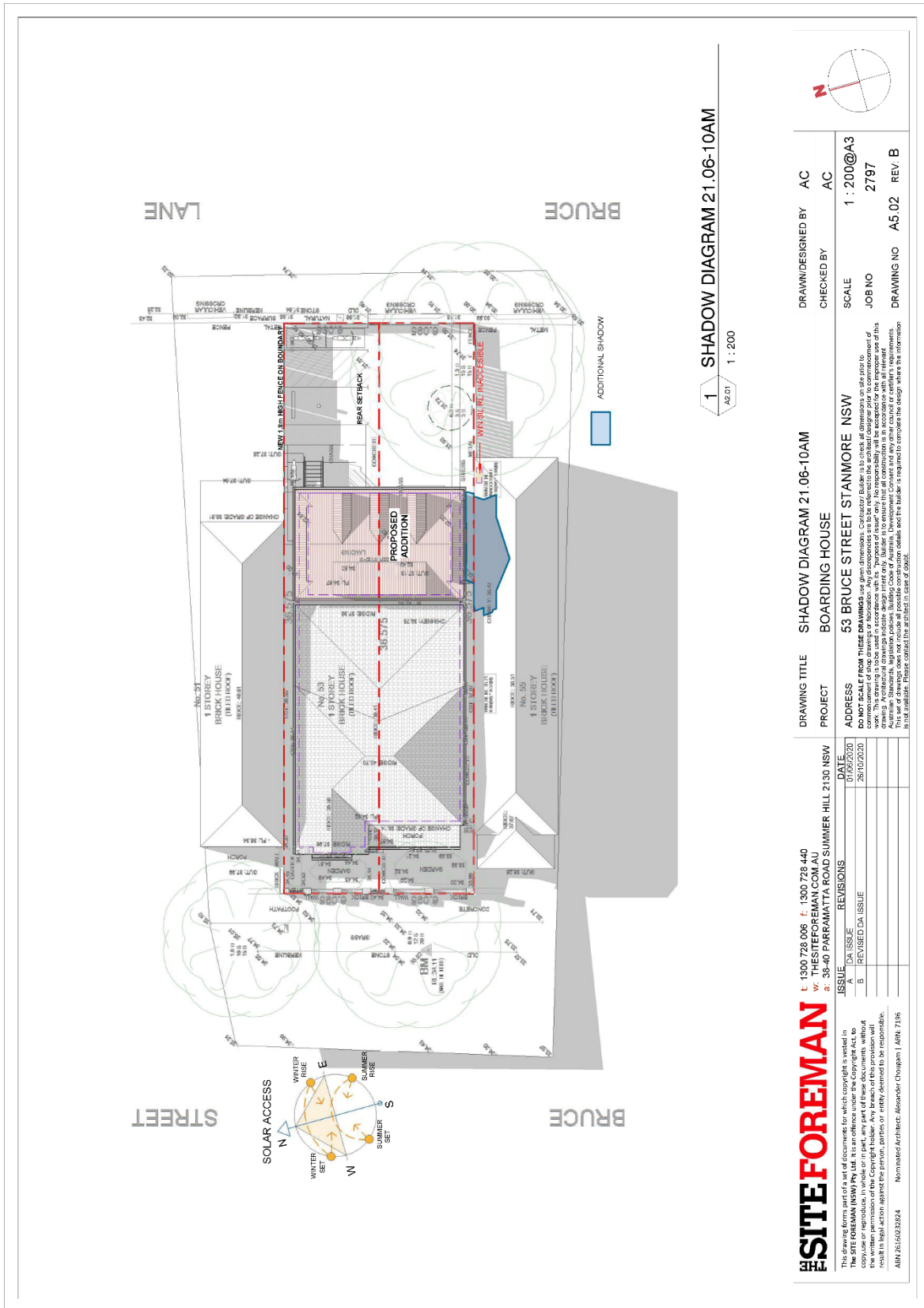
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 ABN 2616232824 Non-qualified architect: Alexander Chougiam | A191 7136

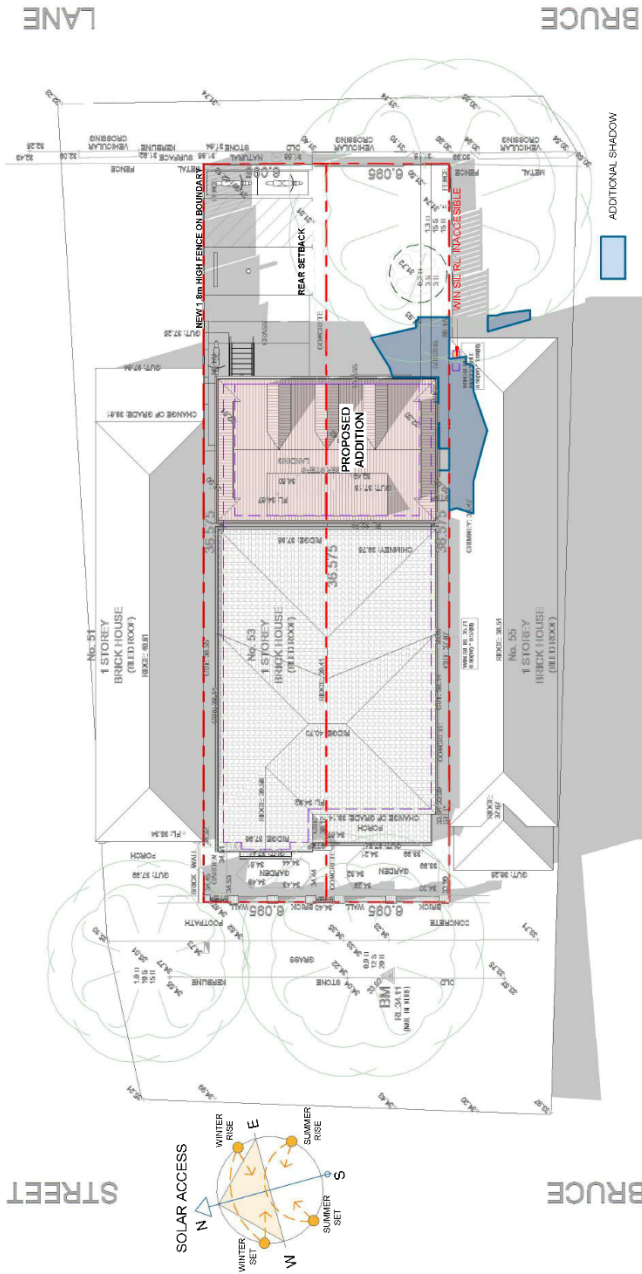
EXTERNAL MATERIALS AND FINISHES

PROJECT: BOARDING HOUSE
 ADDRESS: 53 BRUCE STREET STANMORE NSW
 DATE: 01/02/2020
 REVISIONS:
 A DA ISSUE
 B REVISD DA ISSUE

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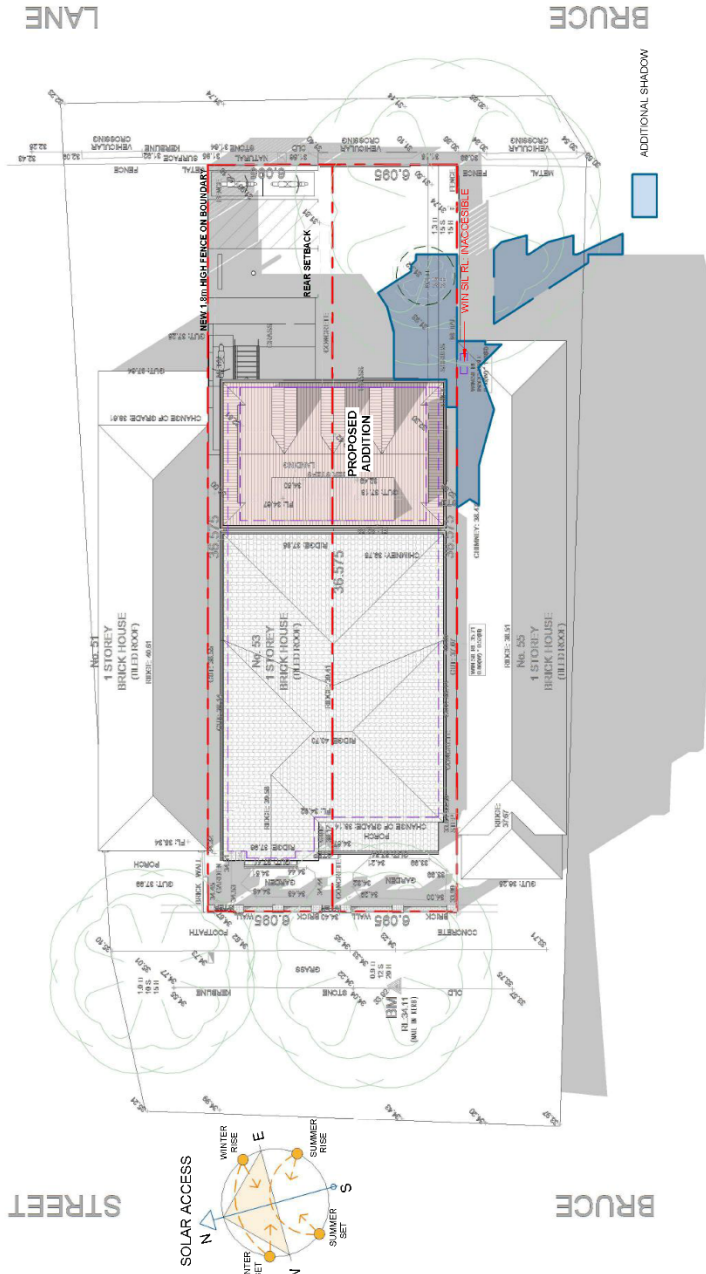
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CHECKED BY	AC
SCALE	1 : 1 @ A3
JOB NO	2797
DRAWING NO	A4.02
REV.	B





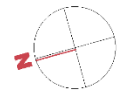
1 SHADOW DIAGRAM 21.06.12NOON
A2/01 1:200

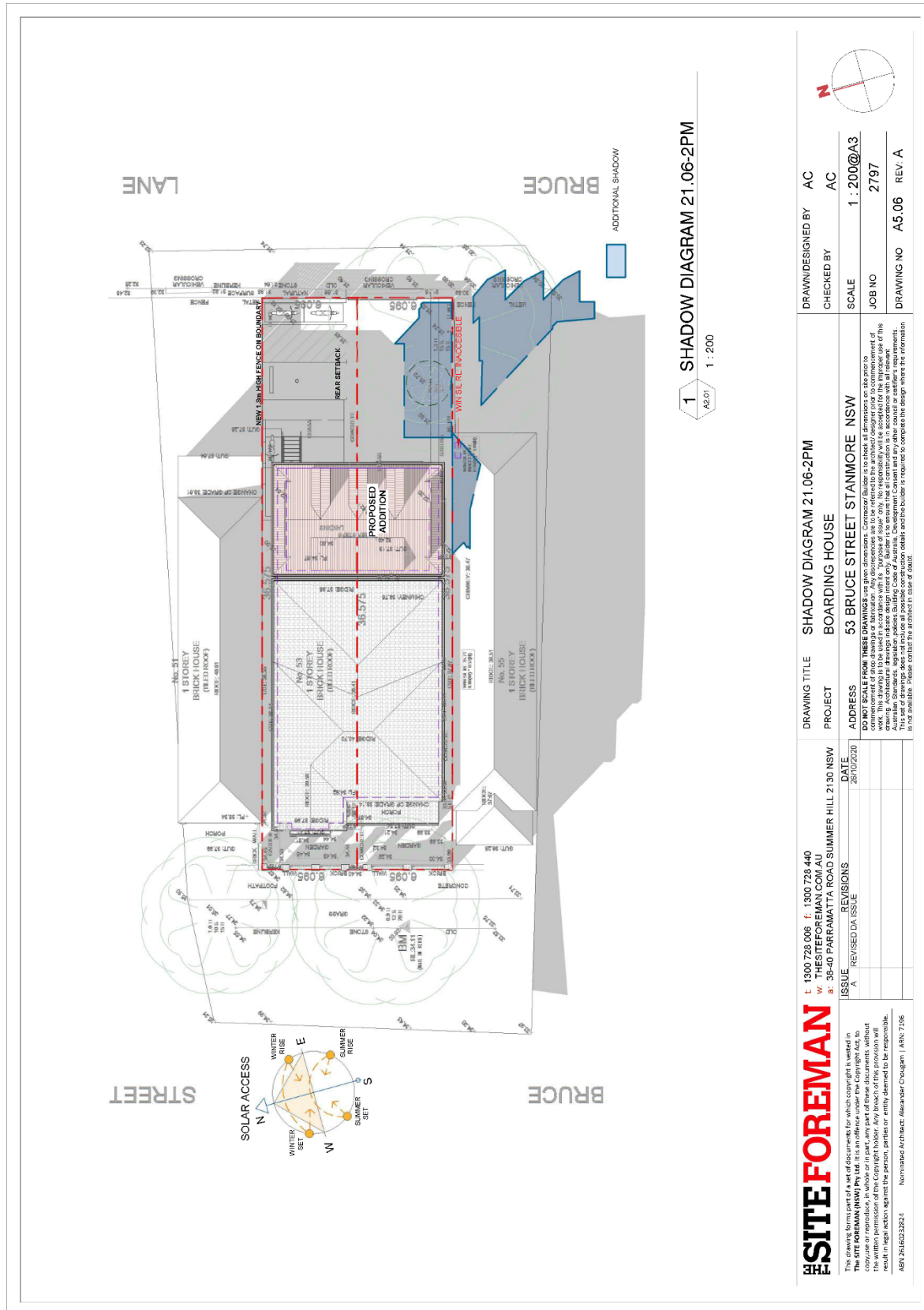
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	<p>DATE: 26/10/2020</p> <p>ISSUE: REVISIONS</p> <p>A: 01 ISSUE B: REVISED DA ISSUE</p>	<p>ADDRESS: 53 BRUCE STREET STANMORE NSW</p> <p>SCALE: 1:200@A3 JOB NO: 2797</p>	<p>DO NOT SCALE FROM THESE DRAWINGS. Use on-site dimensions to check all dimensions on site prior to commencement of site development. Any discrepancies are to be referred to the architect/draftsman prior to commencement of site development. This drawing is for information only. It is not to be used for construction without the written approval of the architect/draftsman. All construction is to be in accordance with all relevant Australian Standards, legislation, codes of Australia, Development Consent and any other council or certifier's requirements. Certifier and/or builder is required to complete the design when the information is not available. Please contact the architect in case of doubt.</p>



1 SHADOW DIAGRAM 21.06-1PM
A5.01 1:200

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	<p>DATE: 26/10/2020</p>	<p>REVISIONS</p>	<p>DATE: 26/10/2020</p>	<p>REVISIONS</p>





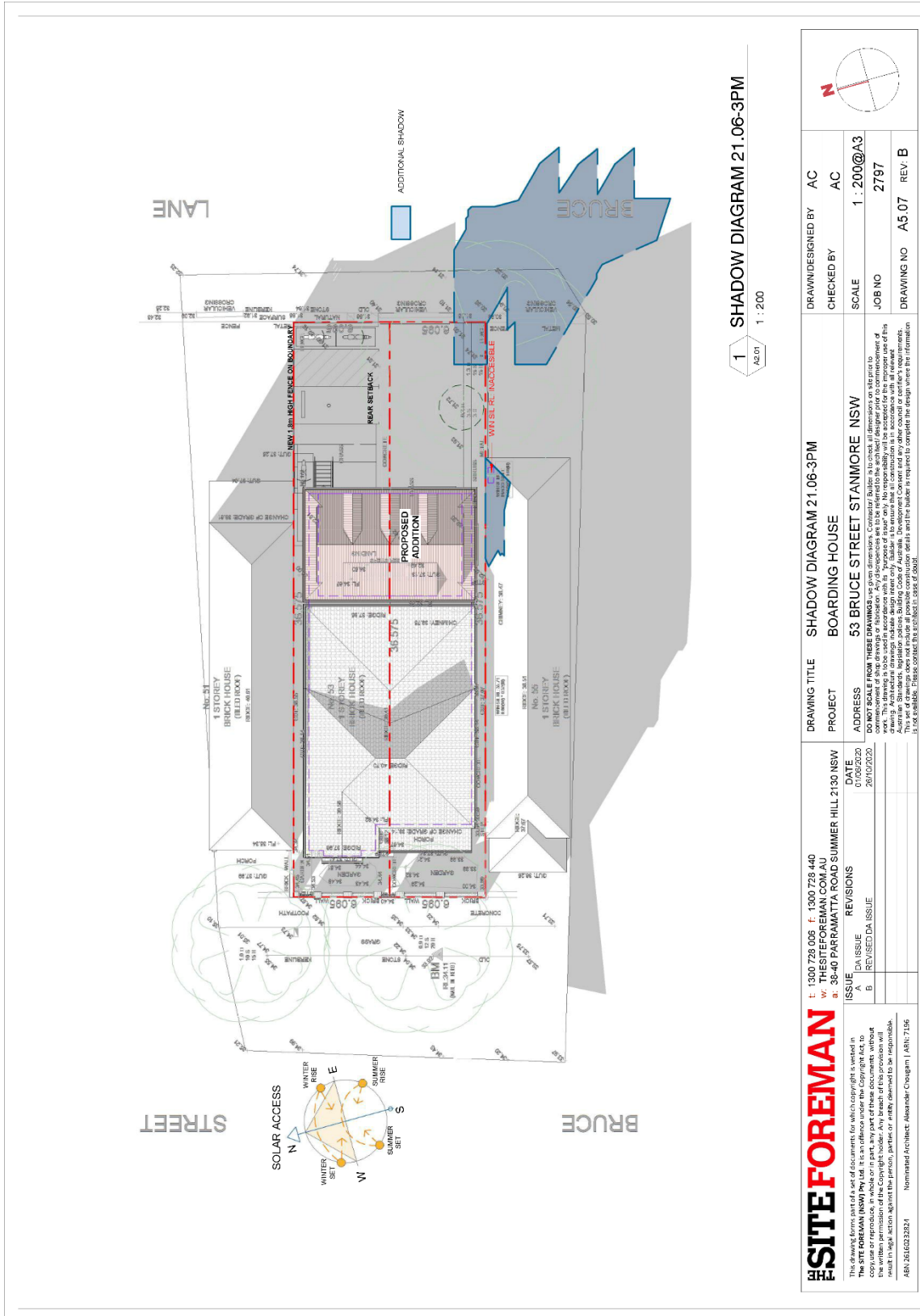
1 SHADOW DIAGRAM 21.06-2PM
A3(2) 1:200

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CHECKED BY	AC
SCALE	1:200@A3
JOB NO	2797
DRAWING NO	A5.06
REV.	A

DRAWING TITLE SHADOW DIAGRAM 21.06-2PM
PROJECT BOARDING HOUSE
ADDRESS 53 BRUCE STREET STANMORE NSW
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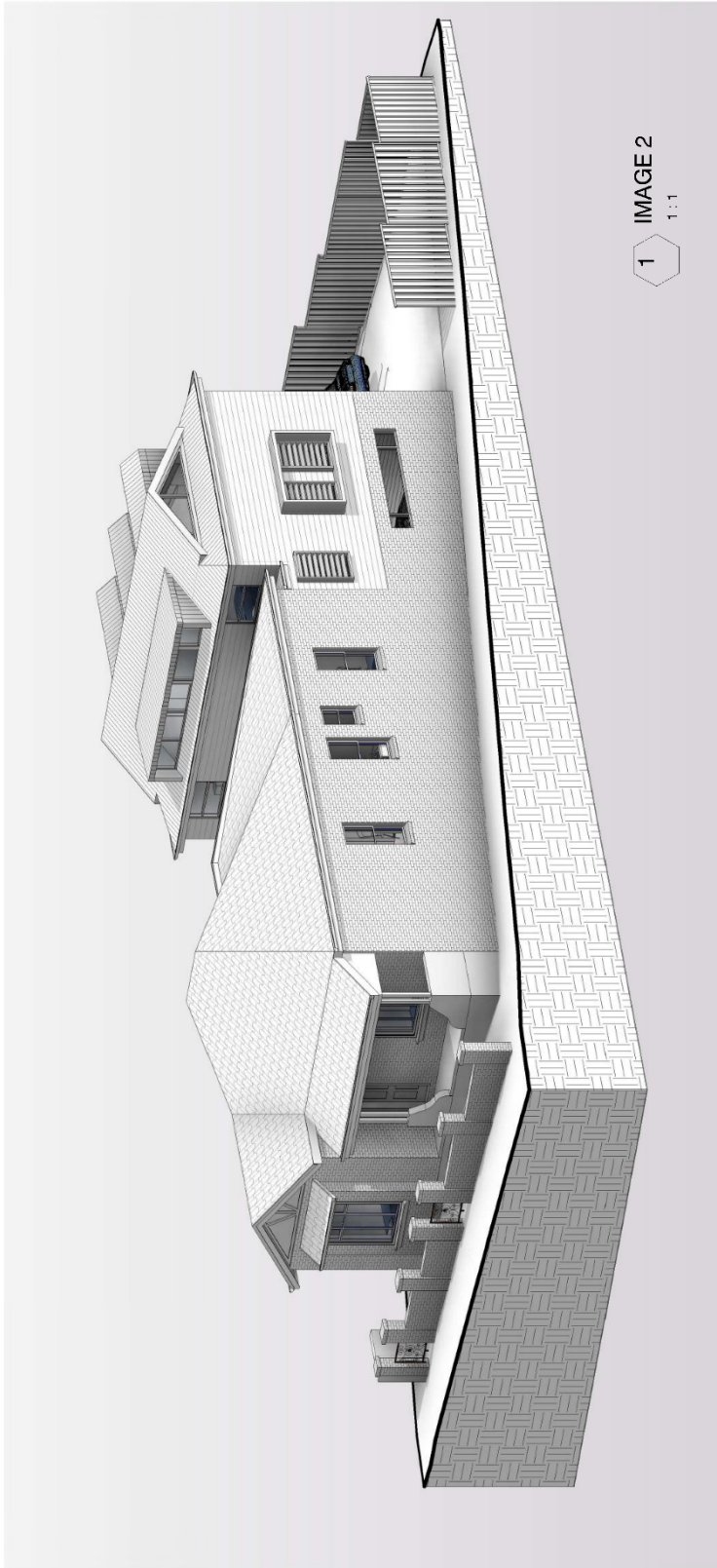
ISSUE	REVISED DATE
A	26/10/2020

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 A/NR: 2516023252



1 SHADOW DIAGRAM 21.06-3PM
A2.01 1:200

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	<p>DATE: 07/09/2020</p> <p>REVISIONS:</p> <p>A: DW ISSUE</p> <p>B: REVISED/DA ISSUE</p>	<p>SCALE: 1:200@A3</p> <p>JOB NO: 2797</p>	<p>DRAWING NO: A5.07</p> <p>REV: B</p>



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<p>DATE 21/02/2019</p>	<p>DO NOT SCALE FROM THESE DRAWINGS. Use given dimensions. Contractor/Builder is to check all dimensions on site prior to work. This drawing is to be used in accordance with its "purpose of issue" only. No responsibility will be accepted for the impromptu use of this drawing. Architectural drawings indicate design intent only. Builder is to ensure that all construction is in accordance with all relevant standards. This set of drawings does not include all possible construction details and the builder is required to complete the design where the information is not available. Please contact the architect in case of doubt.</p>	<p>DRAWING NO A6.01 REV. D</p>
<p>ISSUE REVISIONS</p>	<p>DATE</p>	
<p>A CONCEPT FOR REVIEW</p>	<p>02/04/2020</p>	
<p>B FINAL DESIGN ISSUE</p>	<p>01/06/2020</p>	
<p>C DA ISSUE</p>	<p>26/10/2020</p>	
<p>D REVISED DA ISSUE</p>		
<p>ABN 26160932824 Nominated Architect: Alexander Chougam ARN: 7136</p>		